



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:	Official Community Plan Amendment and Rezoning Application - 899 Esquimalt Road, Staff Report No. DEV-19-106				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Appendix A - Official Community Plan Bylaw 2018 No 2922 Amendment Bylaw No 2962, 2. Appendix B - Zoning Bylaw 1992 No 2050 Amendment Bylaw No 2963, 3. Appendix C - Subject Property Map, Aerial Map, Zoning Map, OCP Land Use Designation Map, OCP Policies, 4. Appendix D - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 5. Appendix E - Amenities Package, 6. Appendix F - Green Building Checklist, 7. Appendix G - Transportation Impact Assessment, 8. Appendix H - Geotechnical Investigation Report, 9. Appendix I - Built Green Certification Letter of Enrollment, 10. Appendix J - Water Supply Confirmation, 11. Appendix K - Letter from the Fraternal Order of Eagles, 12. Appendix L - Official Community Plan Amendment Consultation Responses, 13. Appendix M - Developer's Public Consultation Summary, 14. Appendix N - Public Comments 899 Esquimalt Road, 15. Appendix O - Draft S.219 Covenant, 16. Appendix P - Community Engagement Summary				

Date	Ver.	Action By	Action	Result
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REQUEST FOR DECISION

DATE: November 15, 2019

Report No. DEV-19-106

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Official Community Plan Amendment and Rezoning Application - 899 Esquimalt Road

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, resolves to **give third reading** to the Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2962, attached to Staff Report DEV-19-106 as Appendix A, which would:

- add the following text after the map under the heading "Height" at page 131 of the *Official Community Plan Bylaw, 2018, No. 2922*

Notwithstanding the building heights indicated on the map above, up to 10 storeys may be

permitted on the following property provided no portion of the development within 21.5 m of Wollaston Street exceeds three storeys:

PID: 030-151-562

Lot A, Section 11, Esquimalt District, Plan EPP69557

[899 Esquimalt Road]

- amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'B', being the Proposed Land Use Designations Map by changing the designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2962, from a mix of 'Neighbourhood Commercial Mixed-Use' and 'Townhouse Residential' to 'Commercial/Commercial Mixed-Use'; and
 - amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2962, from a mix of Development Permit Area No. 4 - Commercial and Development Permit Area No. 6 - Multi-Family Residential to Development Permit Area No. 4 - Commercial;
2. That Council, upon considering comments made at the Public Hearing, resolves to **give third reading** to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2963, attached to Staff Report DEV-19-106 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road], shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2963, from a mix of C-2 [Neighbourhood Commercial] and RD-1 [Two Family Residential] to CD No. 120 [Comprehensive Development District No. 120]; and
3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-19-106, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557 [899 Esquimalt Road] 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:
- Construction of purpose built health clinic or facility with a minimum of 370 square metres of gross floor area;
 - Subsidized rent for tenant(s) of health clinic or facility over first 10 years in the amount of \$396,000;
 - Annual lease hold and equipment improvement incentives valued at a total of \$160,000;
 - \$54,000 cash contribution to be used in relation to health and community well-being matters, including but not limited to providing incentives or grants, undertaking or commission studies or reports, promotions and public information, and establishing temporary medical clinics;
 - \$150,000 cash contribution to be used for the provision and maintenance of a kayak dock within the Township;
 - 5 free parking spaces with publicly available electric vehicle charging stations
 - Built Green Canada Silver certification;
 - Removal of BC Hydro pole on the southeast corner of Esquimalt Road and Head Street and burial of the power lines on the Esquimalt Road and Head Street frontage;
 - Perpetual Statutory Right of Way for public access and expanded sidewalk on the northern 3.2

metres of the lot along Esquimalt Road; and

- \$30,000 cash contribution to be used for the provision and installation of 2 pedestrian activated crosswalk signals in the general vicinity of the subject parcel.

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. 2962 and Amendment Bylaw No. 2963 to Council for consideration of adoption.

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Declaration of Climate Emergency

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: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2962

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2963

Appendix C: Subject Property Map, Aerial Map, Zoning Map, OCP Land Use Designation Map, OCP Policies

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

Appendix E: Amenities Package

Appendix F: Green Building Checklist

Appendix G: Transportation Impact Assessment

Appendix H: Geotechnical Investigation Report

Appendix I: Built Green Certification Letter of Enrollment

Appendix J: Water Supply Confirmation

Appendix K: Letter from the Fraternal Order of Eagles

Appendix L: Official Community Plan Amendment Consultation Responses

Appendix M: Developer's Public Consultation Summary

Appendix N: Public Comments

Appendix O: Draft S.219 Covenant

Appendix P: Community Engagement Summary

Purpose of the Application

The applicant is requesting a change in the Official Community Plan Proposed Land Use Designation from the current mix of 'Neighbourhood Commercial Mixed-Use' and 'Townhouse Residential' to 'Commercial/Commercial Mixed-Use'. The applicant is also requesting a change in Development Permit Area from the current mix of 'Commercial' and 'Multi-Family Residential' to 'Commercial' to provide consistency between the Development Permit Area guidelines and the proposed development. Furthermore, the applicant is applying to add the following text under the map under

the heading “Height” in the West Bay Development Permit Area guidelines (page 131 of the Official Community Plan), “Notwithstanding the building heights indicated on the map above, up to 10 storeys may be permitted on the following property provided no portion of the development within 21.5 m of Wollaston Street exceeds three storeys: PID 030-151-562 Lot A, Section 11, Esquimalt District, Plan EPP69557”. The height map currently indicates a maximum building height of 3-storeys for the southern half of the subject property. Due to the significant difference from the currently allowed height of 3-storeys to the proposed height of 10-storeys - a site specific amendment to the Official Community Plan is required. This would be the first time that the building height map has been amended since the new Official Community Plan was adopted.

In addition, the applicant is requesting 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. This change is required to accommodate the proposed 10- storey, commercial mixed-use building consisting of commercial space and 69 residential units.

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. 4 - Commercial, No. 6 - Multi-Family Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction, No. 8 - Water Conservation, and No. 11 - West Bay, 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: Bahaedin Naemi [Lexi Development Group, Inc.]

Owner: 1104488 B.C. LTD.

Property Size: Metric: 1367 m² Imperial: 14713 ft²

Existing Land Use: Vacant Commercial Mixed-use on the northern half and vacant 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

OCP Proposed Land Use Designation: Neighbourhood Commercial Mixed-Use and Townhouse Residential

Amended OCP Proposed Land Use Designation: Commercial/Commercial Mixed-Use

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

Proposed Zoning: CD No. 120 [Comprehensive Development District No. 120]

Chronology

June 28, 2017 - Rezoning Application submitted

April 11, 2018 - Design Review Committee

May 15, 2018 - Advisory Planning Commission

June 25, 2018 - Adoption of Official Community Plan Bylaw, 2018, No. 2922

January 21, 2019 - Official Community Plan Amendment Consultation List approved by Council

May 27, 2019 - 1st and 2nd Reading

July 8, 2019 - Public Hearing

August 19, 2019 - Receipt of the terms of reference for the public engagement

September 21, 2019 - Community engagement meetings

November 4, 2019 - Rescind 2nd Reading, amended bylaw and read anew a 2nd time

Official Community Plan

On the date of the original submission of this rezoning application on June 28, 2017, the Official Community Plan Land Use Designation was Commercial Mixed-Use (up to twelve storeys) on 899 Esquimalt Road and Multi-Unit, Low-Rise Residential (up to four storeys) on 896 Wollaston Street.

Subsequently on June 25, 2018, Official Community Plan Bylaw, 2018, No. 2922 was adopted. 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 Proposed Land Use Designation of 'Neighbourhood Commercial Mixed-Use' on the northern portion and 'Townhouse Residential' on the southern portion.

The proposed OCP Amendment amends the Proposed Land Use Designation to Commercial/Commercial Mixed Use to accommodate the height and density proposed. In commercial mixed-use areas, buildings with a Floor Area Ratio of up to 3.0 for the residential portion of the building may be acceptable. The proposed development consists of a total Floor Area Ratio of 3.87 with the residential portion accounting for a Floor Area Ratio of 3.59. Hence, this proposal is inconsistent with the acceptable density prescribed in the Official Community Plan. In order to achieve consistency with the OCP, the applicant is proposing to provide amenities through density bonusing for the benefit of the community.

OCP Section 3.3 Housing and Community identifies the Esquimalt Road corridor as an area for residential densification. The OCP also supports the provision of a variety of housing types and tenures delivered by both market and non-market developers to support the housing needs of a diverse demographic.

OCP Section 5.1 states a policy to *'support the development of a variety of housing types and designs to meet the anticipated housing needs of residents. This may include non-market and market housing options that are designed to accommodate young and multi-generational families, the local workforce, as well as middle and high income households.'*

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;
 4. accommodate young families; and
 5. 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.
- Encourage the incorporation of spaces designed to foster social interaction.
 - Encourage the installation of electric vehicle charging infrastructure in medium and high density residential developments.

Section 5.6 Family and Child-friendly Housing states an objective to address the shortage of family and child friendly housing in Esquimalt. The proposed development has a mixture of dwelling unit sizes, including 10, 3-bedroom apartment dwelling units and 3, 2-bedroom townhouse dwelling units, along with a proposed urgent primary care centre which would be consistent with the following policy:

- Encourage the provision of medium and high density commercial mixed-use developments designed for families with children.

Section 6.1 Commercial & Commercial Mixed-Use Land Use states an objective to establish Esquimalt as a complete community where commercial enterprises serve the needs of area residents, local businesses, and visitors.

As the proposed development has a floor area ratio of 3.59 for the residential portion of the development, the following policy applies:

- In commercial mixed-use areas, buildings with a floor area ratio of up to 3.0 for the residential portion of the building may be acceptable.

The following policies address the use of density bonus for this proposed development in order to achieve consistency with the Official Community Plan:

- 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.
- Recognize, for the purposes of density bonuses, “amenities” may include but are not limited to:
 1. Privately-owned, publicly-accessible open space;
 2. Public art;
 3. Contributions towards the enhancement of public recreation facilities;
 4. Contributions towards street and boulevard enhancements, including street furniture and decorative lighting;
 5. Building to a higher step of the BC Energy Step Code than required under the Building Bylaw;
 6. Group daycare and respite for children and adults;
 7. Preservation of heritage structures, features or assets;
 8. Affordable housing units;
 9. Special needs housing units;
 10. Community gardens;
 11. Enhanced green family play space for residents;
 12. Public space improvements supporting and surrounding transit stations; and

13. Other as may be appropriate to the development proposal or surrounding community as deemed appropriate by Council.

The applicant is currently proposing the following amenities:

- Construction of a purpose built health clinic or facility with a minimum of 370 square metres of gross floor area
- Subsidized rent for tenant(s) of health clinic or facility over first 10 years as detailed in Table 1 of page 6 of Appendix E: Amenities Package in the value of \$396,000
- Annual lease hold and equipment improvement incentives valued at \$160,000
- \$54,000 cash contribution to be used in relation to health and community well-being matters, including but not limited to providing incentives or grants, undertaking or commission studies or reports, promotions and public information, and establishing temporary medical clinics
- \$150,000 cash contribution to be used for the provision and maintenance of a kayak dock within the Township
- 5 free parking spaces with publicly available electric vehicle charging stations
- Built Green Canada Silver certification
- Removal of BC Hydro pole on the southeast corner of Esquimalt Road and Head Street and burial of the power lines on the Esquimalt Road and Head Street frontage
- Perpetual Statutory Right of Way for public access and expanded sidewalk on the northern 3.2 metres of the lot along Esquimalt Road
- \$30,000 cash contribution to be used for the provision and installation of 2 pedestrian activated crosswalk signals

The proposed development is also generally consistent with the following policies of this section:

- Encourage a mix of uses in the commercial/commercial mixed-use areas.
- The majority of the frontage for commercial mixed-use buildings at the ground floor, should be commercial.
- On corner sites, the ground floor commercial use in mixed-use buildings should wrap around the corner.
- In commercial/commercial mixed-use developments, parking should be located behind or under the building.
- The installation of electric vehicle charging infrastructure in commercial/commercial mixed-use developments is encouraged.
- Encourage the provision of amenities such as mini parks/plazas, street furniture, public art and decorative lighting on private lands in all commercial areas.
- To encourage the use of bicycles, provisions should be made in all commercial/ commercial mixed-used developments for bicycle parking for employees and visitors.

Section 6.4.1 Head Street and Esquimalt Road states an objective to create a vibrant commercial mixed-use node centered around the intersection of Esquimalt Road and Head Street with the following policies:

- Esquimalt's secondary commercial area is located along Esquimalt Road at Head Street.
- Encourage redevelopment in the Head Street/Esquimalt Road Neighbourhood Commercial Mixed-Use Area.
- Redevelopment should occur at a neighbourhood scale.

Section 11.3.1 Public Cycling Infrastructure states the following policy:

- Encourage end-of-trip facilities including secure lockup and shower facilities

Section 11.3.2 New Development states the following policy:

- Encourage developers to provide a variety of end of trip facilities for active transportation.
- Encourage bike lockers in multi-unit residential and commercial/commercial mixed-use developments.

Section 13.3.3 Building Energy Efficiency states the following policy:

- Adopt best practices based on evolving building technologies and materials.
- Encourage the adoption of passive, efficient, and renewable energy systems in new buildings and during building retrofits.
- Investigate options for encouraging developers to achieve high energy performance in new developments through such tools as density bonusing, expedited permit approval process, rebate of development fees, revitalization tax exemption, and other incentives.
- Pursue higher energy-efficiency performance in new developments, through the achievement of higher steps in the BC Energy Step Code as an amenity associated with rezoning.

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 applicant is proposing 5 parking spaces with publicly available electric vehicle charging stations.

Relevant Development Permit Area Guidelines to consider as it relates to the rezoning application include:

- Avoid disturbing, compacting and removing areas of natural soil as this can lead to invasion by unwanted plant species, poor water absorption and poor establishment of new plantings. Use of local natural soil in disturbed and restored areas will support re-establishment of ecosystem functions.
- Buildings should be designed and sited to minimize the creation of shadows on public spaces.
- Off-street parking areas should be located either at the rear of commercial buildings or underground. Surface parking should be screened with landscaping. Large parking areas should contain additional islands of landscaping.
- The size and siting of buildings that abut existing single- and two-unit and townhouse dwelling should reflect the size and scale of adjacent development and complement the surrounding uses. To achieve this, height and setback restrictions may be imposed as a condition of the development permit.
- New buildings should be designed and sited to minimize visual intrusion on to the privacy of surrounding homes and minimize the casting of shadows on to the private outdoor space of adjacent residential units.
- High-density multi-unit residential buildings or mixed commercial/residential buildings in commercial areas should be designed so that the upper storeys are stepped back from the building footprint, with lower building heights along the street front to address human scale, public space, and maximum light penetration at street level.

- Underground parking should be encouraged for any multi-unit residential buildings exceeding four storeys.
- Orient buildings to take advantage of site specific climate conditions, in terms of solar access and wind flow; design massing and solar orientation for optimum passive performance.
- Build new developments compactly, considering the solar penetration and passive performance provided for neighbouring sites, and avoid shading adjacent to usable outdoor open spaces.
- In commercial, residential or commercial mixed-use designated areas with taller developments, vary building heights to strategically reduce the shading on to adjacent buildings.
- Provide pedestrian access to storefronts and businesses from the adjacent public street and orient upper storey windows and balconies to overlook adjoining public spaces.
- On corner sites, develop street-facing façades for both streets. Design front elevations with pronounced entrances oriented to the corner and/or primary streets.
- Avoid locating off-street surface or structured parking adjacent to active public streets and open spaces. Locate off-street parking behind or underneath buildings. Laminate or wrap any above ground structured parking with active (residential or commercial) uses to buffer structured parking from public open spaces.
- New projects should provide a sensitive transition to nearby, less intensive zones or areas with different uses. Projects on zone edges should be developed in a manner that creates a step in actual or perceived height, bulk and scale between the anticipated development potential of adjacent zones.
- Buildings and group of buildings should step down to be similar in height to adjacent buildings. This allows for an effective transition in scale and adequate sunlight penetration into open spaces and adjacent properties.
- In a mixed use project adjacent to a less intensive zone, the more compatible use and building type should be sited near the zone edge.
- Face similar uses across the street and at compatible scales; avoid building scale differences of more than 2-storeys across streets.
- Locate development to minimize view impacts on existing and planned future developments.
- Buildings should be positioned and scaled to minimize the impact of shadows on adjacent open spaces, buildings, and within the project.
- Locating off-street surface parking in front of buildings, at prominent corners or intersections, immediately adjacent to public sidewalks and open spaces, and other public oriented active open spaces is strongly discouraged and should be avoided.
- Minimize impacts from sloping sites on neighbouring development. Examples of treatments to minimize impacts include using terraced retaining walls of natural materials, or stepping a building to respond to the slope.
- Views from upper stories of new buildings should minimize overlook into adjacent private yards, especially in less intensive areas. Following are some strategies which can be used to achieve this guideline:
 - Increase building separation so that the face of the building and hence the windows are setback farther from the property line.
 - Take advantage of site design that reduces impacts by using, for example, an adjacent ground floor area for an entry court.
 - Stagger windows to not align with adjacent, facing windows.
 - Primary windows into habitable spaces should not face interior side yards.

Zoning

The following chart details the setbacks, lot coverage, floor area ratio and parking of the comprehensive development zone. Zoning Bylaw, 1992, No. 2050 does not currently have a zone that can accommodate the proposed development.

	Proposed CD No. 120 Zone
Residential Units	69
Floor Area Ratio	3.87
Lot Coverage	87%
Setbacks	
• Front [Esquimalt Road]	3.2 m
• Rear [Wollaston Street]	6.3 m
• Interior Side [East]	0 m
• Exterior Side [Head Street]	0 m
Building Height	35.0m [10 storeys]
Off Street Parking	94
Bicycle Parking	114

As 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 10 storeys as there are 9 storeys above the ‘P1’ level.

Parking Bylaw, 1992, No. 2011, requires 1.3 parking spaces per unit for high density apartments. In addition, one parking space per 25 square metres of gross floor area of commercial space (under other commercial) is required. This proposal incorporates 94 parking spaces within the structure compared to the required amount of 105 parking spaces. The Transportation Impact Assessment by Bunt & Associates [Appendix G] recommends that the development’s proposed parking supply will meet peak period demands with shared parking opportunities between commercial and residential visitors. The exact distribution of parking allocations has not yet been determined. Moreover, the subject property has a Walk Score of 74 which is considered ‘Very Walkable’.

Green Building Features

The applicant has completed the Esquimalt Green Building Checklist [Appendix F].

Comments from Other Departments**Community Safety Services:**

Building to be constructed to requirements of BC Building Code 2018 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 would be

required at 899 Esquimalt 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 in accordance with bylaw requirements including, but not limited to, new sewer and drain connections, underground hydro, telephone and cable services and new road works may be required up to the centre line of Esquimalt Road, Head Street and Wollaston Street. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a Building Permit application.

Parks Services:

A tree cutting permit is required for any tree removal. Tree protection fencing set up at the drip line to be provided for all the trees to be retained, prior to commencement of site preparation, demolition and construction.

Fire Services:

Fire Services staff have completed a preliminary review of the proposed plans and have no concerns at this time aside from the addressing.

Comments from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on April 11, 2018. At this time, the application was reviewed against the Official Community Plan Bylaw, 2006. No. 2646. Within the 2006 OCP, the subject property had a designation of 'Commercial Mixed Use' on the northern half, which accepts developments with up to 12 storeys in height and 'Multi-Unit, Low-Rise Residential' on the southern half, which accepts residential developments with up to 4 storeys in height.

The committee members had concerns with the height of the proposed development as the proposed 13 storeys is not acceptable under the Commercial Mixed-Use Designation. They liked the aesthetics of the proposed building on all sides except for the eastern façade. 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 OCP
- 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 the plans for the proposed development to address these issues. The proposed building height was reduced to 12 storeys while the east face has been finished with spandrel curtain wall panels. In addition, the green wall system was amended to be a low maintenance system to minimize the financial burden to the future strata

corporation. The applicant has subsequently further reduced the building height to 10 storeys.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on May 15, 2018. The members had concerns with the height of 12 storeys. Nonetheless, they generally liked the design concept with the exception of the east façade where spandrel curtain panels were introduced to address the blank concrete wall. Due to BC Fire Code and the zero setback to the east lot line, windows are not allowed on this façade. The members recommended the registration of an easement for access to the adjacent lot to the east via the parkade to accommodate future development. Members felt that the parking is sufficient for the site and that the rooftop green space would be a suitable location for garden plots.

The APC resolved that the application be forwarded to Council with a recommendation of approval as this proposal, in conjunction with an amenity package including approximately 40 affordable units, could revitalize a prominent corner in Esquimalt 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 application at the date of the meeting included a proposed density bonus amenity of 40 affordable rental residential units to be located off site. The proposed amenities have since been amended and are listed below.

Comments from the Official Community Plan Consultation

The Official Community Plan Amendment application was circulated to a Consultation List approved by Council on January 21, 2019.

Development Services staff received 3 responses.

1. The Esquimalt Chamber of Commerce supports the request to amend the proposed land use designation for this application.
2. The West Bay Residents Association does not support the Official Community Plan amendment stating concerns with the increase in height and density.
3. The City of Victoria supports the Official Community Plan amendment stating that the amendment is in line with the objectives of the Victoria Official Community Plan, regarding the location of new housing within walking distance of amenities, shops and services. They also state that the contribution of community amenities to be aligned with Victoria's Official Community Plan and that the amenity would be beneficial to residents of both Esquimalt and Victoria. However, City of Victoria staff recommend that Township of Esquimalt staff consult with City of Victoria staff on an appropriate design and request for a Statutory Right of Way or highway dedication in addressing concerns for shared designated bicycle route and Frequent Transit route along Esquimalt Road.

Revisions since the Public Hearing on July 8, 2019 and the Applicant's Community Engagement

The applicant has amended the plans for the proposed building to include:

- Reduction of height from 45.3 to 35.0 metres

- Reduction from 12 storeys to 10 storeys (P1 being defined as the First Storey)
- Increase in FAR from 3.76 to 3.87
- Minimum Floor Area dedicated to Health Clinic or facility use shall not be less than 370 square metres
- Maximum Floor Area dedicated to residential uses on the Esquimalt Road ground floor frontage shall not be more than 200 square metres
- Maximum height of 3 storeys within 21.5 metres of Wollaston Street

The amenities offered for the additional density has also been amended. The urgent primary care centre use is no longer a prerequisite for the residential use. The proposal is for subsidized rent to physicians and medical professionals for the commercial space over the initial 10 years and annual lease hold and equipment incentives. Instead of the temporary medical clinic, the applicant has elected to offer a cash contribution of \$54,000 to be used at the Township's discretion as it relates to health and community well-being matters. Moreover, a statutory Right of Way will also be offered on the northern 3.2 metres of the parcel along Esquimalt Road for an expanded sidewalk and a \$30,000 cash contribution for 2 pedestrian activated crosswalk signals.

In summary the following amenities are offered:

- Construction of a purpose built health clinic or facility with a minimum of 370 square metres of gross floor area
- Subsidized rent for tenant(s) of health clinic or facility over first 10 years as detailed in Table 1 of page 6 of Appendix E: Amenities Package in the value of \$396,000
- Annual lease hold and equipment improvement incentives valued at \$160,000
- \$54,000 cash contribution to be used in relation to health and community well-being matters, including but not limited to providing incentives or grants, undertaking or commission studies or reports, promotions and public information, and establishing temporary medical clinics
- \$150,000 cash contribution to be used for the provision and maintenance of a kayak dock within the Township
- 5 free parking spaces with publicly available electric vehicle charging stations
- Built Green Canada Silver certification
- Removal of BC Hydro pole on the southeast corner of Esquimalt Road and Head Street and burial of the power lines on the Esquimalt Road and Head Street frontage
- Perpetual Statutory Right of Way for public access and expanded sidewalk on the northern 3.2 metres of the lot along Esquimalt Road
- \$30,000 cash contribution to be used for the provision and installation of 2 pedestrian activated crosswalk signals in the general vicinity of the subject parcel

In response to Council's concerns with regards to the number of parking spaces per residential dwelling units, the applicant has offered an option to reduce the number of dwelling units from 69 to 66 for Council to consider if they choose to amend the bylaw.

The applicant has also offered an additional amenity of 1 year of transit passes for the residents of the proposed development as an option for Council to consider in amending the items to be included in the S.219 Covenant.

ISSUES:

1. Rationale for Selected Option

The proposed development would include commercial space dedicated for a health clinic or facility. It will also provide increased residential density in a location within walking distance of amenities, consistent with Official Community Plan policies.

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 F].

5. Communication & Engagement

As this is a OCP Amendment and rezoning application, public hearing 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 have been placed in two editions of the Victoria News. Furthermore, four signs indicating that the property is under consideration for a change in zoning have been in place on the Esquimalt Road, Head Street and Wollaston Street frontage since February 2018 and have been 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. The first meeting was held from 5pm to 7pm on February 9, 2018 at 901 Esquimalt Road. The second meeting was held from 6:30pm to 8:30pm at the Royal Canadian Legion, Esquimalt Dockyard Branch on 622 Admirals Road. Staff confirms that the applicant has provided the required submissions indicating that 67 people attended the first meeting on February 9, 2018 and 30 people attended the second meeting on July 5, 2018 [Appendix M].

As per Council's motion to create a community engagement timeline plan on July 8, 2019, the applicant consulted the community and held a community engagement meeting on September 21, 2019. The applicant has submitted a report that summarizes the community engagement framework and activities. [Appendix P]

ALTERNATIVES:

1. That Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2962 and No. 2963 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. 2962 and No. 2963 to Council for consideration of adoption.

2. That Council postpones consideration of Amendment Bylaw No. 2962 and No. 2963 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing.]

3. That Council defeats Amendment Bylaw No. 2962 and No. 2963.