



# 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>	Development Permit Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street, Staff Report No. DRC-20-003				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Appendix A - Aerial Map and CD No. 121 Zone, 2. Appendix B - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 3. Appendix C - Green Building Checklist, 4. Appendix D - Applicant's Comments for Development Permit Area Guidelines				

Date	Ver.	Action By	Action	Result
9/9/2020	1	APC Design Review Committee	approved with conditions	Fail

## REQUEST FOR DECISION

**DATE:** August 24, 2020

Report No. DRC-20-003

**TO:** Chair and Members of the Advisory Planning Commission; Design Review Committee

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

**SUBJECT:**

Development Permit Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street

**RECOMMENDATION:**

That the Esquimalt Design Review Committee [DRC] recommends to Council that the application for a Development Permit authorizing the form and character of the proposed development of a commercial-residential building consistent with the architectural and landscape plans provided by Dialog, and sited in accordance with the site plan provided by McElhanney Consulting Services, all stamped "Received August 21, 2020", to be located at 616 Constance Avenue [PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854], 620 Constance Avenue [PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135], 619 Nelson Street [PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854], 623 Nelson Street [PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135], and 1326 Miles Street [PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854] + [PID 006-375-693 Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854] be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application including reasons for the chosen recommendation.

**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: Aerial Map and CD No. 121 Zone  
Appendix B: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan  
Appendix C: Green Building Checklist  
Appendix D: Applicant's Comments for Development Permit Area Guidelines

### **PURPOSE OF APPLICATION:**

The applicant is proposing to build a mixed-use commercial-residential building. Comprehensive Development District No. 121 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. 4 - Commercial, 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 that the application is generally consistent with the Development Permit Area guidelines contained within the Esquimalt 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: Sierra Lane Construction Inc. [Troy Grant]

Owner: 1174489 B.C. LTD.,INC.NO. BC01174489

Designer: Dialog

Property Size: Metric: 2627 m<sup>2</sup>

Imperial: 28277 ft<sup>2</sup>

OCP Land Use Designation:

Commercial/Commercial Mixed-Use

Zone: Comprehensive Development District No. 121

Existing Land Use: Single Family Residential

[616 Constance Ave, 620 Constance Ave, 619 Nelson St, and 623 Nelson St]  
Four-Unit Residential [1326 Miles St]

Proposed Land Use: Commercial and Multiple Family Residential

Surrounding Land Uses:

North: Single Family Residential

South: Multiple Family Residential [2 storeys]

East: Multiple Family Residential Apartment [3 storeys]

West: Single Family Residential  
Multiple Family Residential [1 storey]

#### **OCP ANALYSIS:**

This site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 4 - Commercial, 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.

The applicant has submitted a document addressing these guidelines.

**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 cannot be applied due to the construction of an underground parking structure. The underground parking structure will intrinsically disturb, compact and remove areas of natural soils.

#### **OCP Section 18.5.3 Biodiversity**

The applicant has included landscaping consistent with these guidelines, noting that the landscaping will reflect the biogeoclimatic zone with no invasive species selected. The landscape plan includes 7 maple trees, 5 eastern redbud, 5 Pacific dogwood, and 6 Japanese snowbell.

#### **OCP Section 18.5.4 Natural Environment**

The applicant has utilized a variety of leafy trees along the front of the residential units to mitigate sound and provide privacy.

#### **OCP Section 18.5.5 Drainage and Erosion**

Grading plans and planting beds' soil structure will be designed to mitigate the stormwater absorption. In addition, there will be onsite storm water storage with a flow control manhole to limit

post-development flows.

OCP Section 18.5.7 Native Bird Biodiversity

The landscaping will include native fruit bearing shrubs and deciduous trees.

**Development Permit Area No.4** is designated for the purpose of establishing objectives for the form and character of commercial development.

OCP Section 21.5 Commercial Guidelines

The design of the facades incorporates storefront glazing and entrances that open on to the street. Entrances to both the residential lobby and the commercial units will have an overhanging element for weather protection. There will be a generous sidewalk fronting the commercial units with street furniture interspersed for public seating. Garbage and storage areas are placed underground with a transition area for pick up.

**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 proposed building utilizes a compact tower form set back from a 2-storey podium. Outdoor seating, plantings and green spaces are provided in the pedestrian plaza that sits in front of the commercial units that line Miles Street. Moreover, a pedestrian pathway is provided via a statutory right of way to the north of the principal building.

OCP Section 24.5.2 Form and exterior design of buildings and structures

The balconies have been designed to regulate the amount of direct solar radiation to decrease the heat gain in the summer and increase the heat gain in the winter. A patio and garden is proposed on the rooftop to allow for food production.

OCP Section 24.5.3 Landscaping

The applicant has considered many of these guidelines in their choice and placement of plantings.

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

Heat pumps will be used for heating both the air and water for the building. The building will be built with durable materials and equipped with efficient lighting. The proposed development contains at least 25 electric vehicle charging stations, two car share vehicle specifically for the residents of the building on site, and one car share vehicle off site. Moreover, there will be secured bicycle storage for 129 bicycles.

OCP Section 24.5.5.Special Features

The applicant will be creating a high-performance thermal enclosure with durable materials.

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

OCP Section 25.5.1.Building and Landscape Design

Contrary to the guideline, the underground parking structure extends beyond the building wall and reduces the amount of areas on site for infiltration. The applicant is considering the possibility of appropriately placed rain gardens.

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

The applicant states that the proposed plantings will be suitable to the climatic zone.

OCP Section 25.5.3.Landscaping - Retaining Stormwater on Site

For the purpose of both the underground parking structure and the principal building, much of the natural soils will be compacted and removed. 23 trees will be provided with appropriate soil volume.

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.

**ZONING ANALYSIS:**

The following chart details some of the notable regulations of Comprehensive Development District No. 123 as part of Zoning Bylaw, 1992, No. 2050 that governs this development:

	CD No. 121 Zone
Residential Units	129
Floor Area Ratio	3.52
Lot Coverage	82%
Lot Coverage above the Parking Level	57%
Setbacks (at the parking level)	
• Front [Miles Street]	6.0 m
• Rear [North]	6.0 m
• Exterior Side [Constance Avenue]	5.3 m
• Exterior Side [Nelson Street]	2.9 m
Building Height	46.5 m
Usable Open Space	300 m <sup>2</sup>

**PARKING ANALYSIS:**

	CD No. 121 Zone
Off Street Parking	129 spaces
Bicycle Parking	129 resident + 10 visitor

**COMMENTS FROM OTHER DEPARTMENTS:**

**Community Safety Services:**

The building is to be constructed to requirements of BC Building Code 2018 and municipal bylaws. 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 proposed 129-unit multiple family residential building. 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 Constance Avenue and Nelson 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:**

Parks staff has completed a preliminary review of the proposed on-site and off-site landscaping and commented that a tree cutting permit application is required for all trees to be removed. All trees that are to be retained, including boulevard trees, must have tree protection fencing erected at the drip line.

### **Fire Services:**

Fire Services staff has completed a preliminary review of the proposed plans and recommended that:

- Hydro lines from Esquimalt Road to northern portion of the proposed development property line along Nelson Street to be buried.
- Hydro lines from Esquimalt Road to northern portion of the proposed development property line along Constance Avenue to be buried.
- Fire flow calculations must be done to determine if sufficient water supply is available in the area before a building permit application is submitted. If it is determined that the area lacks sufficient water supply to address fire flow requirements, it is expected that the water mains along both Nelson Street and Constance Avenue be upgraded from Esquimalt Road to the most northern portion of the development property line before any construction of wood framing above grade commences, with additional hydrants if required. The method for increasing water supply for firefighting purposes must be completed in consultation with Victoria Water Works Department, the developer's fire protection system engineer and the Esquimalt Fire Department.
- A construction fire safety plan must be submitted at the same time as the building permit application.
- Tree planting along all building frontage must be designed not to impede fire truck aerial use and operations. The developer must consult with the Township of Esquimalt Parks Services and Fire Services to determine appropriate species at full growth.
- If heavy timber concept is the method of construction to be used and is not permitted within the current BC Building Code for the size of the building, the developer must obtain approvals (SSR) from BC Building and Safety Standards Branch.
- Fire department to be consulted on building and unit addressing.

### **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 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 C]

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. Forward the application for Development Permit to Council with a recommendation of approval including reasons for the recommendation.
2. Forward the application for Development Permit to Council with a recommendation of approval including specific conditions and including reasons for the recommendation.
3. Forward the application for Development Permit to Council with a recommendation of denial including reasons for the recommendation.