



# 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:** Development Permit Application – 612 Constance Avenue, Staff Report No. DEV-21-047  
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**Attachments:** 1. Appendix A - DP000162, 2. Appendix B - Aerial Map and CD No. 121 Zone, 3. Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 4. Appendix D - Green Building Checklist, 5. Appendix E - Applicant's Comments for Development Permit Area Guidelines, 6. Appendix F - Applicant Presentation, 7. Appendix G - Staff Presentation

Date	Ver.	Action By	Action	Result
6/14/2021	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** June 7, 2021

Report No. DEV-21-047

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

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

**SUBJECT:**

Development Permit Application - 612 Constance Road

**RECOMMENDATION:**

That Council approves Development Permit No. DP000162, attached as Appendix A to Staff Report DEV-21-047, consistent with the architectural plans provided by Formed Alliance Architecture Studio, stamped "Received March 30, 2021", the landscape plan by Scatliff + Miller + Murray landscape architects, stamped "Received March 30, 2021", and sited in accordance with the site plan provided by McElhanney Consulting Services, stamped "Received April 6, 2021", to be located at 612 Constance Avenue [PID 031-206-379 Lot A, Suburban Lots 44 and 45, Esquimalt District, Plan EPP86051].

**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:**

Healthy, Livable and Diverse Community: Support Community growth, housing and development consistent with the Township's Official Community Plan

## **BACKGROUND:**

Appendix A: DP000162  
Appendix B: Aerial Map and CD No. 121 Zone  
Appendix C: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan  
Appendix D: Green Building Checklist  
Appendix E: Applicant's Comments for Development Permit Area Guidelines  
Appendix F: Applicant Presentation  
Appendix G: Staff Presentation

## **CHRONOLOGY:**

March 30, 2021 - Development Permit Application Received.  
May 12, 2021 - Development Permit Application presented to the Design Review Committee.

## **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 / Architect: Michael Farrar, FAAS Architecture  
Owner: 1174489 B.C.LTD., INC.NO. BC01174489  
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

Surrounding Land Uses:

North: Single-Family Residential  
South: Multiple-Family Residential [2 storeys]  
East: Multiple-Family Residential [3 storeys]  
West: 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

Most of the existing vegetation will be removed and replaced with new landscaping.

OCP Section 18.5.3 Biodiversity

The applicant has included landscaping consistent with these guidelines. The applicant has strived to include native, non-invasive species. The site will be designed to create a pedestrian friendly landscape in both the private and public realms as there are multiple public right of ways on the subject property. The landscape plan includes 3 magnolia trees, 3 maple trees, 3 arbutus trees, 7 white cedar trees, and 1 dawn redwood tree. The applicant confirmed that there will be sufficient soil volume for all the vegetation.

OCP Section 18.5.4 Natural Environment

The applicant has utilized a variety of trees around the building to mitigate sound and provide privacy.

OCP Section 18.5.5 Drainage and Erosion

The site will be comprehensively landscaped with generous vegetation to mitigate stormwater runoff. In addition, the applicant has incorporated a rain garden to the west of the building.

OCP Section 18.5.7 Native Bird Biodiversity

The landscaping will include songbird and pollinator habitat.

**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 site is designed to encourage a high level of pedestrian interaction as there are commercial units

on the ground level along Miles Street.

**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 3-storey podium. Outdoor seating, plantings and green spaces are provided in the pedestrian plaza as part of a privately owned publicly occupied space. 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 proposed building includes a rooftop area with a variety of uses, including a garden area 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 vehicles specifically for the residents of the building on site, and one car-share vehicle off site.

*OCP Section 24.5.5. Special Features*

The applicant will include high quality materials throughout, sourcing local materials where appropriate.

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

*OCP Section 25.5.1. Building and Landscape Design*

The site will include 300mm of topsoil to assist in managing precipitation events. Moreover, the applicant is proposing a rain garden on the western side of the building.

*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. 17 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. 121 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 THE DESIGN REVIEW COMMITTEE:**

This application was considered at the regular meeting of the Design Review Committee held on May 12, 2021. Members liked the appearance of the building and appreciated the setbacks. They had concerns regarding the at-grade urban agriculture and garden area. Moreover, they had concerns regarding the green energy modeling and the attainment of BC Energy Step Code 4. Regarding the tree selection, the committee had concerns regarding the sourcing of the Arbutus, White Cedar and Dawn Redwood.

The Design Review Committee resolved unanimously that the application be forwarded to Council with a recommendation to approve with the following conditions:

1. That a completed energy model be included with the application package when it is presented to Council in order to ensure step four of the Step Code is met,
2. That updated drawings be included with the application package when it is presented to Council to reflect strategies on building facade because of the energy model to achieve the energy targets, and
3. That all plants indicated on the drawings are reasonably available on Vancouver Island.

## COMMENTS FROM OTHER DEPARTMENTS:

### Community Safety Services (Building Inspection):

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:

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.

Moreover, parks staff requests the provision of a tree survey for all trees on the property and Township boulevard. The survey should include condition, specie, size, location (on scaled plan), tag number, and whether the tree is proposed to be retained or removed. Parks staff also comments that the provided landscape plan is not sufficient and lacks the necessary details.

In response, the applicant has submitted an amended landscape plan with greater details.

### Fire Services:

Fire services staff has completed a preliminary review of the proposed plans and recommends 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.

- The applicant will need to confirm that a single centre staircase meets BC Building Code.
- Fire department to be consulted on building and unit addressing.

## ISSUES:

### 1. Rationale for Selected Option

The proposed development conforms to Zoning Bylaw, 1992, No. 2050 and is generally consistent with the development permit area guidelines where applicable and feasible.

### 2. Organizational Implications

This Request for Decision has no significant organizational implications.

### 3. Financial Implications

This Request for Decision has no significant financial implications.

### 4. Sustainability & Environmental Implications

The applicant has completed the Esquimalt green building checklist [Appendix D].

### 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. That Council approves Development Permit No. DP000162, attached as Appendix A to Staff Report DEV-21-047, consistent with the architectural plans provided by Formed Alliance Architecture Studio, stamped "Received March 30, 2021", the landscape plan by Scatliff + Miller + Murray landscape architects, stamped "Received March 30, 2021", and sited in accordance with the site plan provided by McElhanney Consulting Services, stamped "Received April 6, 2021", to be located at 612 Constance Avenue [PID 031-206-379 Lot A, Suburban Lots 44 and 45, Esquimalt District, Plan EPP86051], and staff be directed to issue the Permit (subject to receipt of the required landscape security) and register the notice on the title of the property located at 612 Constance Avenue.

2. That Council deny Development Permit No. DP000162 [Appendix A] with reasons provided.