



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Title: Development Variance Permit Application – 856 and 858 Esquimalt Road
Staff Report No.: APC-21-023

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Attachments: 1. Appendix A - Proposed Variances to Zoning Bylaw CD-80 zone, 2. Appendix B - CD-80 zone and Maps - Air Photo, OCP Designations, DP Areas, Zoning, 3. Appendix C - Architectural Drawings, BCLS Site Plan, Landscape Plans, 4. Appendix D - Green Building Checklist, 5. Appendix E - Applicants APC Presentation - 856 & 858 Esquimalt Road

Date	Ver.	Action By	Action	Result
11/16/2021	1	Advisory Planning Commission	approved	Pass

REQUEST FOR DECISION

DATE: November 10, 2021

Report No. APC-21-023

TO: Chair and Members of the Advisory Planning Commission

FROM: Karen Hay, Planner and Bill Brown, Director of Development Services

SUBJECT:

Development Variance Permit Application - 856 and 858 Esquimalt Road [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973]

RECOMMENDATION:

That the Esquimalt Advisory Planning Commission [APC] recommends to Council that the application for a Development Variance Permit, authorizing the variances to the CD-80 zone as attached in Appendix 'A', for the proposed development of 198 rental apartment dwelling units and 803 square metres of commercial space as sited on the survey plans prepared by J.E. Anderson & Associates, stamped "Received October 1, 2021", consistent with the architectural plans provided by WA Architects, stamped "Received October 1, 2021", and the landscape plans by LADR Landscape Architects, stamped "Received August 12, 2021", for the property located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973], be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application; and provide reasons for the 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, No. 2791, 2012
Advisory Planning Commission Bylaw, 2012, No. 2792
Subdivision and Development Control Bylaw, 1997, No. 2175
Local Government Act

STRATEGIC RELEVANCE:

This Request for Decision supports the following specific strategic objective:
Support community growth, housing, and development consistent with our Official Community Plan.

BACKGROUND:

Appendix A: Proposed Variances to Zoning Bylaw CD-80 zone
Appendix B: CD-80 zone and Maps - Air Photo, OCP Designations, DP Areas, Zoning
Appendix C: Architectural Drawings, BCLS Site Plan, Landscape Plans
Appendix D: Green Building Checklist
Appendix E: Applicant's APC Presentation - 856 & 858 Esquimalt Road

PURPOSE OF APPLICATION:

The applicant is proposing to build 198 rental apartment dwelling units and 803 square metres of commercial space located in two buildings, over a shared underground parking structure, with a small surface parking lot, and outdoor amenity spaces.

The Comprehensive Development District No. 80 zone (CD-80) of Esquimalt's Zoning Bylaw 1992, No. 2050 was written to regulate a substantially different comprehensive development, therefore numerous variances including minimum commercial space requirement, lot coverage, siting, and parking space requirements are requested, to accommodate the proposed buildings.

CONTEXT:

Applicant: Chris Karu, PC Urban (Esquimalt Road) LP

Owner: Shawn Smith, PC Urban (Esquimalt Road) LP

Architect: WA Architects

Landscape Architect: LADR Landscape Architects

Property Size: 7,028 m² (1101 m² + 5927 m²) 75648 sq ft

OCP Land Use Designation:

Current: Commercial/ Commercial Mixed-use

Proposed: Commercial/ Commercial Mixed-use

Zone: Comprehensive Development District No. 80

Existing Land Use: Commercial

Proposed Land Use: Commercial and Residential Mixed-use

Surrounding Land Uses:

North: Residential [RM-4] and Public/ Institutional [P-1]

South: Residential [RM-4]

East: Residential [RM-4]

West: Commercial and Public/ Institutional [P-1]

OCP ANALYSIS:

The proposal is consistent with the OCP Land Use Designations, Current: Commercial/ Commercial Mixed-use, and the Proposed: Commercial/ Commercial Mixed-use. The Esquimalt Design Review Committee has been asked to review the proposal in relation the Development Permit Area guidelines.

ZONING ANALYSIS:

Comprehensive Development District No. 80 (CD-80) was written to accommodate a considerably different proposal (two 12 storey buildings) and was conceived under a previous OCP. The CD-80 zone was adopted on February 20, 2012. This predates the current Esquimalt OCP which was adopted on June 25, 2018. The current proposal complies with the permitted uses, and the density allowed in the CD-80 zone. Therefore, it is not necessary to rezone the properties, but numerous variances are being requested, including reduced commercial space, increased lot coverage, different setbacks, and specific allocation of and numbers of parking spaces.

Commercial Space:

The CD-80 zone was written to accommodate and secure the provision of 934 square metres of commercial space. The current proposal offers 802.9 square metres of commercial space in two units. Therefore, the the DVP requirements would replace the Section (5) Commercial Space requirement with the following variance:

Zoning Bylaw, 1992, No. 2050, Section 67.67 (5) Commercial Space:

replace:

“The minimum Floor Area dedicated to Commercial Uses shall not be less than 934 square metres.”

with the following:

The minimum Floor Area dedicated to Commercial Uses shall not be less than 802 square metres, comprising at least 2 commercial units, with the smallest commercial unit measuring not less than

115 square metres.

Lot Coverage:

The CD-80 zone did not recognize the lot coverage of an underground parking structure as it is a relatively new phenomenon that parking structures are built to extend to or near the parcel edges. Therefore, the DVP requirements would replace the (7) Lot Coverage section:

“All Principal Buildings and Structures combined shall not cover more than 39% of the Area of a Parcel”,

with the following:

(7) Lot Coverage

(a) Principal Buildings shall not cover more than 83% of the Area of the Parcel including a parking structure.

(b) Notwithstanding 7(a), that portion of the Principal Building constructed at or above the First Storey shall not cover more than 50% of the Area of the Parcel.

Staff did request the applicant keep the lot coverage for the parking structure to less than 80% of the parcel in order to improve permeability and available space for tree planting.

Siting Requirements:

There is a right of way proposed along the Esquimalt Road frontage to provide an enhanced public realm in perpetuity. The proposed buildings have considerably different shape and situation on the site than the original proposal intended by CD-80 therefore, the DVP requirements will replace the Section (8) Siting Requirements section:

“Principal Buildings

(a) No Building shall be located within 3 metres of the Front Lot Line.

(b) The eastern wing of the southern Building shall not be located within 7.5 metres of the eastern Interior Side Lot Line.

(c) The northwestern wing of the southern Building shall not be located within 8.9 metres of the western Interior Side Lot Line.

(d) The southwestern wing of the southern Building shall not be located within 9.9 metres of the western Interior Side Lot Line.

(e) The northernmost Building shall not be located within 6.9 metres of the eastern Interior Side Lot Line nor within 10.7 metres of the western Interior Side Lot Line.

(f) No Building shall be located within 3.2 metres of the Rear Lot Line.

(g) The separation between the eastern wing of the southern Building and the northernmost Building shall not be less than 14 metres.

(h) The separation between the northwestern wing of the southern Building and the northernmost Building shall not be less than 22 metres.

(i) The separation between the northwestern wing of the southern Building and the southwestern wing of the southern Building shall not be less than 12 metres.”

with the following:

(8) Siting Requirements

Within this CD-80 Zone, lot lines and setbacks shall be determined in accordance with Figure 1 (below).

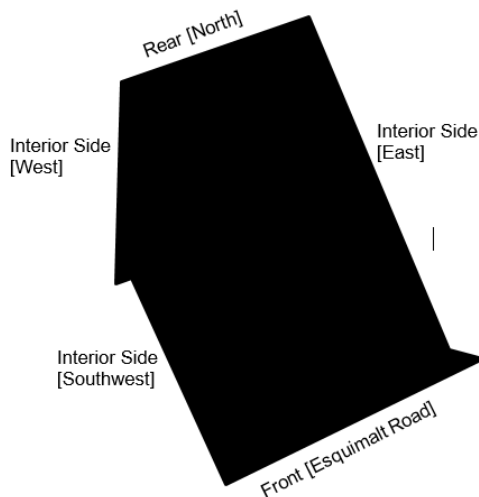


Figure 1.

(a) Principal Buildings

- (i) No Building shall be located within 7.1 metres of the Front [Esquimalt Road] Lot Line.
- (ii) The northwest wing of the southern Principal Building [Building A] shall not be located within 4.3 metres of the Interior Side [West] Lot Line.
- (iii) The southwest corner of the southern Principal Building [Building A] shall not be located within 3.1 metres of the Interior Side [Southwest] Lot Line.
- (iv) The western wing of the southern Principal Building [Building A] shall not be located within 11.9 metres of the Interior Side [East] Lot Line.
- (v) No Building shall be located within 7.5 metres of the Rear [North] Lot Line.
- (vi) The northern Principal Building [Building B] shall not be located within 7.7 metres of the Interior Side [East] Lot Line.
- (vii) The northern Principal Building [Building B] shall not be located within 6.4 metres of the Interior Side [West] Lot Line.
- (viii) The separation between the east wing of the southern Principal Building [Building A] and the south wing of the northern Principal Building [Building B] shall not be less than 17.6 metres.

- (ix) The separation between the northwest wing of the southern Principal Building [Building A] and the west wing of the northern Principal Building [Building B] shall not be less than 12.5 metres.
- (x) The separation between the northwestern wing of the southern Principal Building [Building A] and the south wing of the northern Principal Building [Building B] shall not be less than 20.0 metres.

(b) Principal Building Siting Exceptions

- (i) Notwithstanding Section 10 (a) within CD-80 the minimum distance to a Lot Line may be reduced by not more than the following distances to accommodate the parking structure situated below the First Storey of a Principal Building:
 - 1. Front [Esquimalt Road] Lot Line: 3.0 metres
 - 2. Rear [North Side] Lot Line: 7.0 metres
 - 3. Interior Side [East] Lot Line: 1.5 metres
 - 4. Interior Side [West] Lot Line: 5.5 metres
- (ii) Notwithstanding Section 10 (a) The minimum distance to the Front [Esquimalt Road] Lot Line may be reduced by not more 2.2 metres to accommodate a canopy attached to and forming part of the southern Principal Building [Building A].
- (iii) Notwithstanding Section 10 (a) The minimum distance to the Interior Side [East] Lot Line may be reduced by not more 1.0 metres to accommodate a covered entrance architectural feature on the second storey attached to and forming part of the northern Principal Building [Building B].
- (iv) Notwithstanding Section 10 (a) The minimum distance to an Interior Side [West] Lot Line may be reduced by not more 1.0 metres to accommodate a balcony attached to and forming part of the southern Principal Building [Building A].
- (v) Notwithstanding Section 10 (a) The minimum distance to a Rear [North] Lot Line may be reduced by not more 1.0 metres to accommodate a balcony attached to and forming part of the northern Principal Building [Building B].
- (vi) Notwithstanding Section 10 (a) The minimum distance to an Interior Side [East] Lot Line may be reduced by not more 1.0 metres to accommodate a balcony attached to and forming part of the Principal Building [Building B].
- (vii) Notwithstanding Section 10 (a) The minimum distance between two principal buildings may be reduced by not more than 3.2 metres to accommodate balconies attached to and forming part

of the Principal Building.

PARKING ANALYSIS:

The Comprehensive Development District No. 80 (CD-80) zone has very specific parking requirements that replace the Parking Bylaw, 1992, No. 2011 requirements.

(10) Off Street Parking

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street parking spaces shall be provided as follows:

- (a) Commercial Use = 46 spaces (plus 1 Loading Space).*
- (b) Dwelling Apartment Use (Southernmost Building) = 110 spaces including no less than 26 Visitor Spaces.*
- (c) Dwelling Townhouse Use (Southernmost Building) = 8 spaces.*
- (d) Dwelling Apartment Use (Northernmost Building) = 91 spaces including no less than Nineteen (19) Visitor Spaces (plus one [1] Loading Space).*
- (e) Dwelling Townhouse Use (Northernmost Building) = 22 spaces.*

The parking for this proposal would be provided in a two level underground parking structure with a surface lot for commercial and loading use. There are no townhouses with this proposal. There is a lower total number of parking spaces proposed than the total number listed in CD-80. There are however a number of bicycle spaces proposed and the applicant has indicated they are considering car sharing as a possibility at this site. The DVP would replace the above Section 10 requirements with the following:

(10) Off Street Parking

Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street parking spaces shall be provided as follows:

- (a) Commercial Use = 29 spaces for 802 m² of commercial space (i.e., 1 space per 28 m² of commercial space).
- (b) Dwelling Apartment Use:
 - (i) 211 spaces shall be provided,
 - (ii) with a minimum ratio of 1.065 spaces per dwelling unit,
 - (iii) including a minimum of 6 persons with disabilities spaces, and
 - (iv) a minimum of 20 spaces designated for and marked "Visitor".
- (c) Two parking spaces shall be provided in the surface parking area having dimensions of not less than 3 metres in width and 7.5 metres in length, and shall be clearly designated as a "Loading" area.
- (d) Bicycle parking stalls for 253 bicycles shall be provided with a minimum 247 long-term stalls inside the building, and a minimum 6 short-term stalls at the surface level.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): This project requires the services of an architect. Retaining walls and accessory structures may require a separate Building Permit. Subject to review for Building Code and Bylaw compliance at time of Building Permit application.

Engineering Services: The proposed development is to have Services as per Bylaw 2175 (Subdivision and Development Control Bylaw) including, but not limited to new sewer and drain service connections, new curb/gutter/sidewalk along the frontage, repaving up to the road center line and underground H/T/C to the proposed development.

It is the responsibility of the applicant to hire a qualified professional for the design and construction supervision of all Works and Services, including construction costs, engineering fees, administrative fees, as indicated in Bylaw No. 2175. Additional comments will be provided when a Civil Engineering drawing has been received.

A Traffic Impact Assessment and a Sewer Impact Assessment should also be completed.

Parks: A tree cutting permit application must be submitted for all trees requested to be removed. All trees and landscaping must be watered by the irrigation system. Who will own the street trees? (Street trees will be the private property owners' responsibility, as will the "potential public art".)

Fire Services: Utility lines along Esquimalt Road frontage should be undergrounded. (Applicant is working on this.) New hydrant required to be within 45 metres of the Fire Department Connection. Fire Department Response Point is required to be within 3 -15 metres of the curbside. Residential Lobby for Building B will need to include a Fire Lane to get the apparatus to correct distance-also ensure that the parkade is weighted to have multiple apparatus including the aerial above it in the drive path. An auto-turn drawing will need to be provided to demonstrate that the aerial apparatus can access Building B. Columnar trees should be considered on the Esquimalt Road frontage to ensure overhead clearance for fire department apparatus (Appendix B - A102).

ISSUES:

1. Rationale for Selected Option

There are three recommendation alternatives to choose from. Staff also appreciate the Commission member's comments on the various requested variances to the proposed commercial space unit size, the lot coverage for proposed buildings and parking structure, the siting and setbacks of the proposed buildings, and the proposed parking space numbers and configuration.

This development, if fully achieved would provide considerable new housing and realize the potential of this site, which has been under utilized for years.

ALTERNATIVES:

1. Forward the application for a Development Variance Permit to Council with a recommendation of approval including reasons for the recommendation.

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

3. Forward the application for a Development Variance Permit to Council with a recommendation of denial including reasons for the recommendation.