



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

File #: 18-264, Version: 1

REQUEST FOR DECISION

DATE: June 6, 2018

Report No. DEV-18-040

TO: Laurie Hurst, Chief Administrative Officer

FROM: Alex Tang, Planner

SUBJECT:

Rezoning Application - 669 Constance Avenue

RECOMMENDATION:

1. That Council resolves to **rescind third reading** of Zoning Bylaw, 1992, No.2050, Amendment Bylaw No. 2915, attached to Staff Report DEV-18-040 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 669 Constance Avenue, PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107 shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2915 from a mix of RM-1 [Multiple Family Residential] and RM-4 [Multiple Family Residential] Zone to CD No. 107 [Comprehensive Development District No. 107];
2. That Council resolves that Zoning Bylaw, 1992, No.2050, Amendment Bylaw No. 2915, attached to Staff Report DEV-18-040 as Appendix A, be amended and **read anew at second reading**; and
3. That Council authorizes the Corporate Officer to schedule a second Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No.2915, and to advertise the same in the local newspaper.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646
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. 2915

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

Appendix C: Architectural Drawings, Renderings, Shadow Studies, Colour Board, Landscape Plan, and Surveyor's Site Plan

Appendix D: Green Building Checklist

Appendix E: Proposed Public Access Park Area

Purpose of the Application

The applicant is requesting a change in zoning from the current mix of Medium Density Apartment Multiple Family Residential [RM-4] and Low Density Townhouse Multiple Family Residential [RM-1] zones to a Comprehensive Development District No. 107 [CD No.107]. This change is required to accommodate the proposed 12 storey, mass timber, 83 unit, multiple family, prefabricated, residential building including a glass enclosed 18 foot lobby, multiple purpose room and amenity space located at grade off Admirals Road and situated above mechanical and storage areas, and 3 levels of underground parking consisting of 83 spaces.

Amendment Bylaw No. 2915 was read a first and second time on February 26th, 2018 with a subsequent Public Hearing and third reading held on April 23rd, 2018. The applicant is not able to secure the amenities offered prior to the first Public Hearing and therefore it is necessary to rescind Third Reading and hold a further Public Hearing to consider the applicant's proposed revised amenity package.

The applicant will continue to offer all of its previous amenities as stated in Staff Report DEV-18-023 but is no longer offering:

- The design, construction, and the provision of a Statutory Right of Way for the purpose of a public access park on that portion of 700 Admirals Road [PID 001-076-346, Lot 1, Esquimalt District, Plan VIP32701] shown cross-hatched in Appendix E (which may include the provision of maintenance of this public access park be financed by the future strata corporation of the subject property)

However, the applicant has proposed to also contribute the following as part of the revised amenities package:

- A new sidewalk on Astle Street from Constance Avenue to Admirals Road
- Contribution in the amount of \$75,000 to the Public Art Reserve Fund

Differences from the revised amenities package and the amenity package offered prior to the first Public Hearing include:

- The 10 accessible units are now distributed on several floors rather than being solely on the lobby level.
- The applicant is proposing to have a window of sales to persons with disabilities rather than providing for a Housing Agreement that ensures that these accessible units will be occupied by persons with disabilities
- The fence between the Canex Building on Federal Crown Land and Constance Avenue will still be removed but a new lower fence without barbed wires will be constructed in its place. The applicant is proposing a section with a pedestrian pathway that would connect Constance

Avenue to the Canex Building. The Base Chief of Staff at CFB Esquimalt, Danielle Smith, has agreed to this in an email. This will need to be confirmed with the Department of National Defence.

In addressing the Council's motions on April 23rd, 2018 as it relates to the Rezoning Application at 669 Constance Avenue:

- As the subject property is designated Multi-Unit, High-Rise Residential according to the current Official Community Plan and High Density Residential according to the Township's new Official Community Plan, an OCP Amendment will be required to allow for a ground floor commercial unit.
- The applicant has declined to offer the construction of a sidewalk as an amenity on Constance Avenue between Astle Street and Esquimalt Road.
- Staff has added the allotment of units by number of bedrooms in the Section 219 Covenant as follows:
 - 8 studios units
 - 26 one-bedroom units
 - 43 two-bedroom units
 - 6 three-bedroom units
- The applicant has declined to offer the funding for underground powerlines beyond the subject property as an amenity. BC Hydro offers a 'Beautification Fund' that offers one third of the total cost of approved projects, with the remaining two thirds to be arranged by the municipalities. The application closing date for each fiscal year is October 1 with notification of approval on January 31.
- Engineering Staff has completed a preliminary desktop review investigating the traffic flow and the impact of a left turn from Admirals heading north on Astle Street. Engineering Staff determined that having storage for 3 vehicles at that location is ample even after increased density in the area.

Moreover, the three subject properties of 669 Constance Avenue [PID 004-574-451, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan 13563], 658 Admirals Road [PID 023-768-410, Lot A of Suburban Lots 43 and 44, Esquimalt District, Plan VIP65333] and 662 Admirals Road [PID 017-827-540, Lot 1, Suburban Lot 43, Esquimalt District, Plan VIP54521] have now been consolidated into 669 Constance Avenue [PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107]. Amendment Bylaw No. 2915 has been amended to reflect the new legal description.

Context

Applicant:	Standing Stone Developments [Casey O'Byrne and Troy Grant]
Owner:	StandingStone Developments Ltd., Inc.No. BC0776378
Property Size:	Metric: 1933 m ² Imperial: 20800 ft ²
Existing Land Use:	5 unit, Multiple Family Apartment Duplex Vacant Land
Surrounding Land Uses:	
North:	Department of National Defence Lands
South:	Multiple Family Residential
West:	Department of National Defence Lands

East: Single Family/Two Family Residential

Existing OCP Designation: Multi-Unit, High-Rise Residential [No change required]

Existing Zoning: RM-4 [Medium Density Multiple Family Residential] and
RM-1 [Low Density Townhouse Multiple Family Residential]

Proposed Zoning CD No. 107 [Comprehensive Development District No.107]

Official Community Plan

Section 2.2.4.1(h) states that development proposals with heights and / or densities greater than those set out in policies 2.2.4.2 to 2.2.4.4 may be considered, where appropriate through variances to zoning and / or parking regulations and density bonusing of floor-space where new affordable, accessible or special needs housing units or amenities are provided for the benefit of the community.

As the proposed development is inconsistent with the stepped down three storey height at street level in policy 2.2.4.4 (as noted below, by previous staff reports and the Design Review Committee), the applicant has proposed to also contribute accessible housing units and amenities for the benefit of the community to offset this inconsistency in accordance with policy 2.2.4.1.

The Township's new Official Community Plan may be scheduled for consideration of final adoption prior to completion of this zoning amendment bylaw. In that circumstance, a future Staff Report will review the proposed amendment bylaw against the new Official Community Plan. If it is not consistent, the applicant would be required to apply to amend the new Official Community Plan before further consideration of the zoning amendment bylaw.

ISSUES:

1. Rationale for Selected Option

Should Council rescind third reading of Zoning Bylaw, 1992, No.2050, Amendment Bylaw No. 2915 and read it anew a second time, Staff would be able to return the Amendment Bylaw with an amended set of amenities as part of the Section 219 Covenant to Council for consideration.

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]. Of particular note is the applicant's commitment to construct the building to meet Passive House certification.

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 have been in place on the Admirals Road frontage and Constance Avenue frontage since December 2017.

Should this rezoning application proceed to a second Public Hearing, notices would be mailed again to tenants and owners of properties located within 100 metres (328 ft) of the subject property. Notice of this second Public Hearing would be placed in two editions of the Victoria News and the sign indicating that the property is under consideration for a Zoning amendment would be 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 4pm to 8pm at the Legion in Esquimalt, 622 Admirals Road. Staff confirms that the applicant has provided the required submissions indicating that 11 people attended the meeting.

ALTERNATIVES:

1. That Council resolves to rescind third reading of Zoning Bylaw, 1992, No.2050, Amendment Bylaw No. 2915 and read it anew a second time, and authorizes the Corporate Officer to schedule a second Public Hearing.
2. That Council defeats Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915.