



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

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REQUEST FOR DECISION

DATE: August 22, 2018

Report No. DEV-18-064

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Official Community Plan Amendment and Zoning Amendment to Comprehensive Development District No. 23 - 1379 Esquimalt Road / 520 Foster Street (St. Peter and St. Paul's Church), [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092]

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2932 attached as Appendix 'A' of Staff Report DEV-18-050, which would amend Official Community Plan Bylaw, 2018, No. 2922 by adding a new section to 'Section 5. Housing and Residential Land Use', changing Schedule 'A' being the 'Present Land Use Designations' map, Schedule 'B' being the 'Proposed Land Use Designations' map, thereby changing the designation of 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] shown cross-hatched on Schedule 'A', from 'Institutional' to 'St. Peter and St. Paul's' **be considered for third reading; and**

2. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2933 attached as Appendix 'B' of Staff Report DEV-18-050, which would amend Zoning Bylaw, 1992, No. 2050 by changing Comprehensive Development District No. 23 [CD No. 23] (the existing zoning designation) of 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] shown cross-hatched on Schedule 'A', to accommodate a new ministry centre with twenty-four (24) residential units above **be considered for third reading; and**

3. As the owner wishes to assure Council that no building or subdivision of the lot will occur until the form and character of the new building is approved by Council in a future Section 219 covenant, the applicant has voluntarily agreed to register a Section 219 covenant on the title of 1379 Esquimalt Road / 520 Foster Street in favour of the Township of Esquimalt.

That, Council direct staff to coordinate with the property owner to ensure a Section 219 covenant restricting building and subdivision [Appendix 'C'] is registered against the property title prior to returning Amendment Bylaw's No. 2932 and 2933 to Council for consideration of adoption.

4. That Council direct staff to coordinate with the property owner to ensure that the development permit currently registered on title is discharged prior to adoption.

RELEVANT POLICY:

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

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: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2018, No. 2932

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2933

Appendix C: Section 219 Covenant

Appendix D: Maps, Air Photo, Current OCP Designation and CD No. 23 zone

Appendix E: Township Heritage Values, Statement of Significance, Designation Bylaw

Appendix F: Official Community Plan consultation package

Appendix G: Applicant's letters and neighbourhood meeting documentation

Appendix H: Architect's Plans, Site Survey, Subdivision Plan, Landscape Plan

Appendix I: Heritage Conservation Engineers Letter, Parking Study, Green Checklist, Tree Inventory

Appendix J: Notice Mailed Aug 14, 2018 - Newspaper Advertisement August 17 & 22

Appendix K: Public Comment - including July 16 Council Agenda Late Items

Purpose of the Application

CitySpaces Consulting, on behalf of the owner of St. Peter and St. Paul's Church (the Anglican Synod of the Diocese of British Columbia), is requesting an amendment to the Official Community Plan and a change to the property's zoning to facilitate the subdivision of the subject property into four separate parcels (three land parcels and one air space parcel). The 'Hermitage', an existing multiple unit residential building would occupy one land parcel, a small cemetery would be on a second land parcel, and the existing heritage designated church with a new 'Ministry Centre' would occupy the third land parcel. Twenty-four new, affordable, non-market rental housing units for seniors and persons with disabilities, would be located above the new ministry centre in an air space parcel.

The proposed development would require a Heritage Alteration Permit prior to any construction, as the proposed connection of the new 'Ministry Centre' to the heritage designated church would require an alteration to this protected building. The owners have offered a covenant [Appendix 'C'] to restrict building and subdivision of the lot until the form and character of the new building is approved by Council in a future covenant.

Context

Applicant: Deane Strongitharm, CitySpaces Consulting
Owner: The Anglican Synod of the Diocese of British Columbia
Architect: Barry Cosgrave, Number Ten Architectural Group
Property Size: Metric: 6284 m² Imperial: 1.54 acres
Existing Land Use: Church, Parish Hall, Senior's Multiple Family Residence, Cemetery
Surrounding Land Uses:
North: Multiple Family Residential
South: Multiple Family Residential
West: Multiple Family Residential
East: Multiple Family Residential
Existing Zoning: Comprehensive Development District No. 23 [CD-23]
Existing OCP Designation: Institutional

Official Community Plan [OCP]

The OCP's current designation for the property is "Institutional", which does not support an option for standalone residential uses. Therefore, the proposed amendment to the Official Community Plan Bylaw, 2018, No. 2922 would consist of an amendment to Schedule 'A' being the 'Present Land Use Designations Map', and Schedule 'B' being the 'Proposed Land Use Designations Map', by creating a site specific Land Use Designation (St. Peter and St. Paul's) for the subject site that would allow exclusive medium density residential uses, and institutional uses (church, ministry centre and cemetery).

There is an existing active Development Permit on this property, dating from 1999 (DP No. 16/98 and No. 16/99), that would need to be discharged before final adoption of new bylaws.

Official Community Plan [OCP] Consultation

The Official Community Plan and Zoning Bylaw Amendment concept plan was circulated to local First Nations and other agencies for comment on May 10, 2018. No concerns were raised. [Appendix F]

OCP Policies

The Official Community Plan supports the expansion of housing types in residential areas. The immediate neighbourhood contains a mix of housing types.

Section 5 - Housing & Residential Land Use contains policies that are intended to ensure that concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character are addressed.

- Policy - 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.

5.3 Medium and High Density Residential Development

OBJECTIVE: Support compact, efficient medium density and high density residential development that integrates with existing and proposed adjacent uses.

- Policy - Encourage new medium density and high density residential development with high quality design standards for building and landscaping and which enhance existing neighbourhoods.

- Policy - 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; and
 4. accommodate young families.
- Policy - Consider new medium density residential development proposals with a Floor Area Ratio of up to 2.0, and up to six storeys in height, in areas designated on the “Proposed Land Use Designation Map.”
- Policy - 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.
- Policy - Buildings with shallow setbacks should step down to no more than three storeys at street level in order to provide an appropriate human scale along the sidewalk.
- Policy - Encourage the incorporation of spaces designed to foster social interaction.
- Policy - Encourage the installation of electric vehicle charging infrastructure in medium and high density residential developments.

5.4 Affordable Housing

OBJECTIVE: To encourage a range of housing by type, tenure and price so that people of all ages, household types, abilities and incomes have a diversity of housing choice in Esquimalt.

- Policy - Encourage the provision of affordable housing by the private market and the non-profit housing sector. Partnerships between private, public or non-market housing providers may be supported. These might include innovative approaches such as limited equity, rent-to-own, co-op, mixed market and non-market projects.
- Policy - Encourage the placement of new rental, affordable, special needs, and seniors housing in accordance with designated residential land use areas as they are integral components of inclusive neighbourhoods.
- Policy - Avoid the spatial concentration of affordable and special needs housing in neighbourhoods.
- Policy - Promote housing agreements to ensure that all strata units have the opportunity to be used as long-term residential rentals within strata buildings.
- Policy - Consider offering a Revitalization Tax Exemption to all new or renovated purpose-built multi-unit rental buildings within the Township.
- Policy - Consider bonus density, parking relaxations or other development variances where a development proposal includes affordable, special needs or seniors housing. This may apply to both market and non-market housing, and mixed-use proposals. A housing agreement may be entered

into between the Township and the owner.

- Policy - Work in co-operation with the provincial and federal governments, the real estate community, social service agencies, faith-based organizations, service clubs and other community resources to provide affordable housing and support services for seniors, the frail elderly and other special needs groups.

5.5 Age-friendly Housing

OBJECTIVE: To expand and protect seniors housing in Esquimalt to enable citizens to “age in place.”

- Policy - Support and facilitate development of multi-generational housing, including in medium and high density residential developments.
- Policy - Encourage adaptable design for all dwellings created through rezoning.
- Policy - Encourage more accessible housing for people with mobility limitations on the ground floor of medium and high density residential buildings.
- Policy - Support aging-at-home through means such as low or no fee permits for modifications.
- Policy - Encourage the development of seniors housing that is within close proximity and accessible to services and amenities.

Section 9 Institutional & Public Facilities Land Use

OBJECTIVE: To encourage the retention of Esquimalt’s civic, faith-based and educational institutions as important components of the social fabric of the community.

- Policy - Institutional uses are generally considered to be appropriate within any land use designation and need not be specifically designated on the “Proposed Land Use Designation Map” (Schedule “B”). However, any proposal for new institutional zoning will be reviewed in detail and assessed on its own merits.

9.2 Public and Private Service Facilities

- Policy - Recognize the valuable role places of worship play in the community and continue to support the development of facilities in accordance with local community needs.
- Policy - Subject to Section 220 of the Community Charter, encourage multiple uses in places of worship, including but not limited to, daycares, emergency centres, non-profit organizational and assembly uses.

Section 15.2 Heritage

15.2.1 Heritage Values

OBJECTIVE: To ensure that community heritage values are considered in all land use decisions.

- Policy - Use the Heritage Values provided in Appendix 1 as a guiding document when considering

the impact of land use decisions on the community's heritage.
[See Appendix E of this report.]

- Policy - Consider impacts to potential heritage resources when making land use decisions.

15.2.2 Heritage Preservation and Conservation

OBJECTIVE: To create a highly desired urban environment and strong sense of place.

- Policy - Wherever possible, preserve character buildings in their original location. Where this is not possible for recognized heritage buildings, encourage relocation and restoration on site, or on an appropriate alternative site.
- Policy - Support new additions to heritage property that conserve and enhance that property, as consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.
[Available on line at: <http://www.historicplaces.ca/en/pages/standards-normes.aspx>]
- Policy - Consider using the provisions of the Community Charter and Local Government Act to promote the conservation, rehabilitation and maintenance of heritage resources.

The property is also included in the following OCP Development Permit Areas: Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, Development Permit Area No. 8 - Water Conservation. Many of these guidelines would be addressed at the Development Permit stage but the following are relevant to the discussion of zoning and parking areas, including in particular the siting of proposed buildings.

OCP Section 18 Development Permit Area No. 1 - Natural Environment is designated for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

18.5.2 Natural Features

Natural features and areas to be preserved, protected, restored, and enhanced where feasible:

1. Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.
4. Narrower manoeuvring aisles, fewer and smaller parking spaces can be considered where natural areas are being conserved.

18.5.5 Drainage and Erosion - Measures to control drainage and shoreline erosion. Where it is reasonable:

1. Preserve, restore and enhance treed areas. Trees are the most effective form of absorbent landscaping due to their extensive root zones and their ability to both absorb water from the soil and intercept precipitation on leaves, needles and branches. Consider that native conifers are well adapted to local wet winters.
2. Reduce the impact of surges in stormwater on shorelines by designing on-site stormwater retention systems to contain the first 3 centimetres [1.25 inches] of precipitation on site, per precipitation event; and incorporating rainwater collection systems into roof design and landscaping.

4. Maximize the ratio of planted and pervious surfaces to unplanted surfaces, and design paved areas to direct water towards vegetated areas, to help reduce surface run off. Where paved surfaces are needed, intersperse with drought resistant vegetation and trees, to help absorb stormwater, provide shade and reduce the local heat island effect.

OCP Section 24 - Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction - is designated for the purposes of energy conservation and greenhouse gas reduction.

24.5.1 Siting of buildings and structures. Where it is feasible:

1. 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.
2. Build new developments compactly, considering the solar penetration and passive performance provided for neighbouring sites, and avoid shading adjacent to usable outdoor open spaces.
4. Provide space for pleasant pedestrian pathways between buildings.
5. Strategically site buildings to sustain and increase the community's urban forest tree canopy cover.
6. Provide space for significant landscaping including varying heights of trees, shrubs and ground covers.

24.5.2 Form and exterior design of buildings and structures. Where it is feasible:

1. Orient larger roof surfaces to the south for potential use of solar panels or photo-voltaic roofing.
2. Use roof designs that reduce heat transfer into neighbouring buildings, helping reduce the local heat island effect and the need for cooling of buildings in warmer months.
8. Add rooftop patios and gardens, particularly food producing gardens, as they can contribute to local resilience, livability, and reduction in greenhouse gas production by reducing food transportation costs.

24.5.3 Landscaping - Where it is feasible:

2. Choose open space and landscaping over dedicating space to the parking and manoeuvring of private motor vehicles.
3. Conserve native trees, shrubs and soils, thereby saving the cost of importing materials and preserving already sequestered carbon dioxide.

24.5.5 Special Features

4. Reuse of existing buildings and building materials is encouraged.

OCP Section 25 - Development Permit Area No. 8 - Water Conservation - is designated for the purpose of water conservation.

25.5.3 Landscaping - Retaining Stormwater on Site (absorbent landscaping)

Where it is feasible:

1. Preserve and restore treed areas. Trees are the most effective form of absorbent landscaping due to their extensive root zones and their ability to both absorb water from the soil and intercept precipitation on leaves, needles and branches. Consider that native conifers are well adapted to local wet winters.

3. Avoid disturbing, compacting and removing areas of natural soil, as these are naturally absorbent areas.

Zoning

The following permitted uses would be added to the Comprehensive Development District No. 23 zone: Assembly Use, Charitable Organizational Office, Counselling Services, Group Children's Day Care Centre, and Cemetery.

Density, Lot Coverage, Height and Setbacks: The following chart compares the floor area ratios, lot coverage, setbacks, and height for this proposal with the requirements of the existing zone [Comprehensive Development District No. 23]:

	Proposed Comprehensive Development Zone [Existing plus proposed Building with 24 new Residential Units]		CD-23 [Existing CD Zone]
	Hermitage Site (26 units) (after subdivision)	New Building (24 units) (after subdivision)	
Floor Area Ratio	0.88	0.56	1.0
Lot Coverage	31%	30%	30%
Setbacks • Esquimalt Rd. [North] • Grafton St. [West] • Foster St. [East] • Interior Side [South]	12.0 m (new lot line) 8.9 m 9.3 m 4.30 m	3.0 m 3.0 m 17.2 (to existing church) 9.8 m (new lot line)	17 m (residential) 8.5 m 12.0 m 4.5 m
Building Height	14 m [4 storeys]	15.8 m [5 storeys]	20 m
Off Street Parking	28 spaces [1.07/unit] (17 under & 7 east of building, 4 in the new lot)	23 spaces in new lot, primarily for church use + 4 new public spaces on Foster St. boulevard	[0.5/unit] 45 spaces total [including church use]

The Floor Area Ratio of this proposal complies with the current CD-23 zone, and there is only a slight increase in the lot coverage with the additional building. The CD-23 zone was written to accommodate a building that was never built on the site, which would have been located directly

north of the Hermitage residential building and would have replaced the existing church hall. The height of the proposed building does not exceed the height permitted in the CD-23 zone.

The siting of the proposed building creates some fairly shallow setbacks from Esquimalt Road and in the north-west corner adjacent to Grafton Street. This will cause shadowing on the sidewalks in this area. Having the building located close to the sidewalk provides for potential interaction between the activities in the ministry centre building and the public on the sidewalk, and allows more room for parking between this building and the Hermitage.

Parking is provided at four locations on the site: under the Hermitage building (17 spaces), at the east end of Hermitage building (7 spaces), in a surface parking lot between the buildings (27 spaces), and four (4) new spaces are proposed on the municipal boulevard off of Foster Street. The total number of spaces on the site would be 51, plus the 4 new public spaces adjacent to Foster Street. The new building is intended to house low income seniors and persons with disabilities; and it is reasonable to assume that these tenants will have little need for parking.

This location is served by three BC Transit routes, #15, #26 and #46 which run fairly frequently, with service every 10 - 15 minutes at bus stops within 50 metres of the subject property. There is a grocery store (Red Barn Market) a short walk from this location.

The rezoning would add Cemetery as a permitted use on this site. The cemetery has existed for years but without formal recognition. The cemetery would exist on its own lot, in order to comply with provincial government regulations.

Heritage

The details of the alterations to the heritage designated building are still to be provided. The proposed new ministry centre would attach to the west end of the church and will require raising the stained glass windows on this wall, about two feet above their current location. The Heritage Alteration Permit application would be processed at a later date, if the rezoning is successful. The Statement of Significance is provided to assist Council in evaluating the impact this development (the siting of the new building) will have on the heritage values of the church building.

The owners/applicant have sited the proposed building and parking in order to protect natural heritage features on the site. Parking is restricted in order to maintain the rock outcropping with remnant Garry Oak ecosystem species and also to protect the mature native trees (Douglas-fir, Big Leaf Maple, Red Cedar and Arbutus) that give this location much of its character.

The proposal would have considerable impact on the heritage character of the 150+ year old heritage designated church. There is value in continuing to have the church used as a church into the future and in making it more accessible.

Green Building Features

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

Comments from Other Departments

The plans for this proposal were circulated to other departments and the following comments were received:

Building Inspection: Subject to BC Building Code and Municipal Building Code Bylaw review at time of building permit application. A fire safety plan for construction and demolition will be required with building permit and demolition permit.

Engineering Services: Engineering has completed a preliminary review of the proposed development at 1379 Esquimalt Road. The developer should be aware that they may be required to provide Works and Services up to the road centre line, at the expense of the property owner. New curb, gutter and sidewalk along the frontage of the proposed development may be required. The development is to have sewer, drain, catch basin and water service connections, as well as underground hydro, telephone, and cable. Additional review and comments will be provided upon receipt of detailed engineering drawings. All proposed Works and Services shall be as per Bylaw, 1997, No. 2175. 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 and as indicated in Bylaw No. 2175.

Fire Services: New fire hydrant mid-block on Foster Street tied into Esquimalt Road main will be required. Consider aerial apparatus in tree selection along Esquimalt Road and Grafton Street. Existing church fire alarm system will need to be upgraded and connected with the new buildings system.

Parks Services: Should work around the existing Arbutus tree on municipal property. Follow tree preservation notes provided by the consulting arborist, and apply for tree cutting application for the tree removals.

Comments from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on May 9, 2018. The DRC members were supportive of the application.

The DRC made the following motion: *Esquimalt Design Review Committee recommended that the Official Community Plan Amendment and Rezoning Application authorizing a new 5 storey, 24 unit, multiple family residential building with a new 'ministry centre' on the ground floor sited in accordance with the BCLS Site Plan provided by Wey Mayenburg Land Surveying Inc., and incorporating height and massing consistent with the architectural plans provided by Number Ten Architectural Group, stamped "Received April 24, 2018" detailing the development proposal, to be located at 1379 Esquimalt Road / 520 Foster Street (St. Peter and St. Paul's Church) [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] be forwarded to Council with a recommendation for approval as the proposed development generally conforms to the intentions of the OCP.*

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on May 15, 2018. The APC members were supportive of the application.

The APC made the following motion: *Esquimalt Advisory Planning Commission recommended that the Official Community Plan Amendment and Rezoning Application authorizing a new 5 storey, 24 unit, multiple family residential building with a new 'ministry centre' on the ground floor, sited in accordance with the BCLS Site Plan provided by Wey Mayenburg Land Surveying Inc., and incorporating height and massing consistent with the architectural plans provided by Number Ten*

Architectural Group, stamped "Received April 24, 2018" detailing the development proposal, to be located at 1379 Esquimalt Road / 520 Foster Street (St. Peter and St. Paul's Church) [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092], be forwarded to Council with a recommendation to approve with one condition (that a housing agreement be entered into); as it is a sensitive project that addresses the many needs of different populations.

ISSUES:

1. Rationale for Selected Option

The DRC and the APC have both recommended approval of the project. The applicant has considered comments from the DRC and APC and has presented an updated version of the proposed building with increased articulation and details. The proposal will have significant impact on the heritage character of the church building but would provide much desired housing in the community.

The owner has agreed to a Section 219 Covenant that will restrict building and subdivision until Council has approved the form and character of a new building in a future Section 219 Covenant.

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

This Request for Decision has no significant sustainability or environmental implications.

5. Communication & Engagement

OCP Amendment Consultation

The Official Community Plan and Zoning Bylaw Amendment concept plan was circulated to local First Nations and other agencies for comment on May 10, 2018. No concerns were raised. [Appendix F]

Public Notification

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on August 14, 2018. Notice of the Public Hearing was placed in the August 17, 2018 and August 22, 2018 editions of the Victoria News. Signs indicating that the property is under consideration for a change in zoning have been placed on the Esquimalt Road, Foster Street, and Grafton Street frontages of the property and would be updated to reflect the date, time and location of the Public Hearing.

Applicant neighbourhood meeting submission

The applicant has indicated that they held a public meeting (open house) and met with neighbours on June 27, 2017 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791. [Appendix G]

ALTERNATIVES:

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaws No. 2932 and 2933 be considered for third reading.
2. Council postpone consideration of Amendment Bylaws No. 2932 and No. 2933 pending receipt of additional information. [Note that receipt of new information from the applicant or the public would require a new Public Hearing.]
3. Council defeats Amendment Bylaws No. 2932 and No. 2933.