



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-531, **Version:** 1

REQUEST FOR DECISION

DATE: November 27, 2019

Report No. DEV-19-107

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Official Community Plan Amendment and Rezoning Application - 681 and 685 Admirals Road

RECOMMENDATION:

1. That Council, upon considering comments made at the public hearing, resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2967, attached to Staff Report DEV-19-107 as Appendix A, which would amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the designation of 681 Admirals Road [PID 007-801-963 Lot 25 Block 4 Suburban Lot 50 Esquimalt District Plan 1153] + [PID 007-801-980 Lot 26 Block 4 Suburban Lot 50 Esquimalt District Plan 1153], and 685 Admirals Road [PID 007-802-013 Lot B (DD G17083), Suburban Lot 50, Esquimalt District, Plan 1153], all shown cross hatched on Schedule 'A' of Bylaw No. 2967, from Development Permit Area No. 3 - Enhanced Design Control Residential to Development Permit Area No. 6 - Multi-Family Residential, be given third reading;
2. That Council, upon considering comments made at the public hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2968, attached to Staff Report DEV-19-107 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 681 Admirals Road [PID 007-801-963 Lot 25 Block 4 Suburban Lot 50 Esquimalt District Plan 1153] + [PID 007-801-980 Lot 26 Block 4 Suburban Lot 50 Esquimalt District Plan 1153], and 685 Admirals Road [PID 007-802-013 Lot B (DD G17083), Suburban Lot 50, Esquimalt District, Plan 1153], all shown cross hatched on Schedule 'A' of Bylaw No. 2968, from RD-3 [Two Family/Single Family Residential] to CD No. 123 [Comprehensive Development District No. 123], be given third reading; and
3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-19-107, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 681 Admirals Road [PID 007-801-963 Lot 25 Block 4 Suburban Lot 50 Esquimalt District Plan 1153] + [PID 007-801-980 Lot 26 Block 4 Suburban Lot 50 Esquimalt District Plan 1153], and 685 Admirals Road [PID 007-802-013 Lot B (DD G17083), Suburban Lot 50, Esquimalt District, Plan 1153] in favour of the Township of Esquimalt providing the

lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- Lot consolidation of 681 Admirals Road and 685 Admirals Road prior to issuance of the development permit as the proposed CD No.123 Zone does not work unless the parcels are consolidated
- Two visitor parking spaces will be provided and remain
- \$500 per unit car shares from Modo car share services
- Provision of a car share vehicle through Modo
- 6 parking stalls to have Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations
- Provision of 1 year of BC Transit bus passes for the Victoria Regional Transit System to all the residents
- That the parcel is not to be subdivided (to prevent stratification)

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2967 and No. 2968 to Council for consideration of adoption.

RELEVANT POLICY:

Declaration of Climate Emergency

Local Government Act

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

Green Building Checklist

STRATEGIC RELEVANCE:

This Request for Decision provides additional housing to Esquimalt's housing stock which has implications for economic development and reduction in greenhouse gas emissions.

BACKGROUND:

Appendix A: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2967

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2968

Appendix C: Subject Property Map, Aerial Map, OCP Proposed LUD Map, Zoning Map, OCP Policies

Appendix D: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan

Appendix E: Green Building Checklist

Appendix F: Applicant's Letter

Appendix G: Parking Study

Appendix H: Environmental Site Assessment

Appendix I: Geotechnical Investigation Report

Appendix J: Arborist Report

Appendix K: Official Community Plan Amendment Consultation Responses

Appendix L: Estimated Sanitary Flow

Appendix M: Developer's Public Consultation Summary (May 30, 2019)

Appendix N: Developer's Public Consultation Summary (October 3, 2019)

Appendix O: Public Comments

Appendix P: Fortis BC Comments

Purpose of the Application

The applicant is requesting a change in Official Community Plan Development Permit Area, from the current Enhanced Design Control Residential to Multi-Family Residential, and a change in zoning from the current RD-3 [Two Family/Single Family Residential] to a Comprehensive Development District No.123 [CD No.123]. This change is required to accommodate the proposed 6-storey, 48-unit, purpose built rental, multiple family residential building including a 48-space parking garage.

Evaluation of this application should focus on issues related to zoning such as the proposed height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, usable open space, parking, land use, fit with the neighbourhood, and consistency with the overall direction contained within the Official Community Plan.

This site is located within Development Permit Area No. 1 - Natural Environment, No. 3 - Enhanced Design Control Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction and No. 8 - Water Conservation of the Township's Official Community Plan. Should the Official Community Plan amendment and rezoning be approved, the Development Permit would be considered for consistency against the guidelines of Development Permit Area No. 6 - Multi-Family Residential rather than Development Permit Area No. 3 - Enhanced Design Control Residential. Furthermore, the form and character of the buildings, landscaping, and consistency with guidelines relating to natural environment protection, energy conservation, greenhouse gas reduction, and water conservation would be controlled by a Development Permit that would be considered by Council at a future date as the proposed development is still situated within Development Permit Areas 1, 7 and 8.

Context

Applicant: Westurban Developments Ltd. [Frank Limshue]

Owners: 1201726 B.C. Ltd., Inc. No. BC1201726

Property Size: Metric: 1520 m² Imperial: 16307 ft²

Existing Land Use: Single Family Residential

Surrounding Land Uses:

North: Multiple Family Residential Townhouses

South: Two Family Residential

West: Department of National Defence Lands

East: Multiple Family Residential Townhouses

OCP Proposed Land Use Designation: Medium Density Residential [No change necessary]

Existing Zoning: RD-3 [Two Family/Single Family Residential]

Proposed Zoning: CD [Comprehensive Development District]

Chronology

January 15, 2019 - Rezoning Application submitted

April 3, 2019 - Design Review Committee

April 16, 2019 - Advisory Planning Commission

May 6, 2019 - Official Community Plan Amendment Consultation List approved by Council

May 30, 2019 - 1st public consultation meeting

July 15, 2019 - 1st Reading

October 3, 2019 - 2nd public consultation meeting

November 4, 2019 - 2nd Reading

Official Community Plan

The Official Community Plan Proposed Land Use Designation for the subject properties is 'Medium Density Residential', considering developments with a Floor Area Ratio of up to 2.0 and up to six storeys in height. The proposed development is consistent with this policy as it is six storeys with a Floor Area Ratio of 2.0.

The applicant is applying to amend the Official Community Plan Development Permit Area from 'Enhanced Design Control Residential' to 'Multi-Family Residential' in order to better correspond the proposed development to the appropriate guidelines of the development permit areas. As the subject property is already designated 'Medium Density Residential' in its Proposed Land Use Designation, amending the Development Permit Area to 'Multi-Family Residential' in Schedule H of the Official Community Plan, is rational.

OCP Section 3.3 Housing and Community identifies land lying in the vicinity of the intersection of Admirals Road and the E&N Rail line as an area for residential densification.

OCP Section 5.1 states a policy to '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.'

OCP Section 5.3 Medium and High Density Residential Development states an objective to support compact, efficient medium density and high density residential development that integrates with existing proposed adjacent uses.

The proposed development is consistent with the following 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"

Supporting policies in this section consistent with the proposed development include:

- Encourage new medium density and high density residential development with high quality design standards for building and landscaping and which enhance existing neighbourhoods.
- 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.
- 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.
- Encourage the incorporation of spaces designed to foster social interaction.
- Encourage the installation of electric vehicle charging infrastructure in medium and high

density residential developments.

Section 5.4 of the Official Community Plan states an 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. Through the provision of affordable, special needs or seniors housing, the proposed development would be consistent with the following policies in this section:

- 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.
- 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.

Section 11.3.1 Public Cycling Infrastructure states the following policy:

- Encourage end-of-trip facilities including secure lockup and shower facilities.

Section 11.3.2 New Development states the following policy:

- Encourage developers to provide a variety of end-of-trip facilities for active transportation.
- Encourage bike lockers in multi-unit residential and commercial/commercial mixed-use developments.

Section 13.3.3 Building Energy Efficiency states the following policy:

- Adopt best practices based on evolving building technologies and materials.
- Encourage the adoption of passive, efficient, and renewable energy systems in new buildings and during building retrofits.
- Investigate options for encouraging developers to achieve high energy performance in new developments through such tools as density bonusing, expedited permit approval process, rebate of development fees, revitalization tax exemption, and other incentives.
- Pursue higher energy-efficiency performance in new developments, through the achievement of higher steps in the BC Energy Step Code as an amenity associated with rezoning.

Under Section 13.3.6 Passenger Vehicle Alternatives, the following policies are listed:

- Encourage the installation of electric vehicle charging infrastructure in all new multi-unit developments.
- Pursue the installation of electric vehicle charging capacity in new developments during the rezoning process.
- Encourage the inclusion of car share in new multi-unit residential developments.

The applicant is including Modo car shares for the residents of the proposed development, on site parking for 1 Modo car and 6 electric vehicle charging stations as part of this development.

Relevant Development Permit Area Guidelines to consider as it relates to the rezoning application include:

- Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.

- Avoid disturbing, compacting and removing areas of natural soil as this can lead to invasion by unwanted plant species, poor water absorption and poor establishment of new plantings. Use of local natural soil in disturbed and restored areas will support re-establishment of ecosystem functions.
- In residential locations plan for 'nature out front'; for new landscaping in front and exterior side yards use a variety of site-appropriate, native species; thereby contributing positively to pedestrian friendly urban streets, future greenways and habitat enhanced corridors.
- The size and siting of buildings that abut existing single- and two-unit and townhouse dwellings should reflect the size and scale of adjacent development and complement the surrounding uses. To achieve this, height and setback restrictions may be imposed as a condition of the development permit.
- New buildings should be designed and sited to minimize visual intrusion on to the privacy of surrounding homes and minimize the casting of shadows on to the private outdoor space of adjacent residential units.
- Underground parking should be encouraged for any multi-unit residential buildings exceeding four storeys.
- Avoid excessively long blank walls adjacent to public streets.
- Avoid expansive blank walls (over 5 m in length) and retaining walls adjacent to public streets. When blank walls and retaining walls are unavoidable, use an appropriate design treatment such as the following:
 - Install a vertical trellis in front of the wall with climbing vines or other plant material.
 - Set the wall back slightly to provide room for evergreens and confers to provide year-round screening.
 - Provide art (a mosaic, mural, relief, etc.) over a substantial portion of the wall surface.
 - Employ quality materials of different textures and colours to make the wall more interesting visually.
 - Provide special lighting, canopies, awnings, horizontal trellises or other human-scale features that break up the size of the blank wall surface and add visual interest.
 - Incorporate walls into a patio or sidewalk café space.
 - Terrace (step down) retaining walls.
- 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.
- Build new developments compactly, considering the solar penetration and passive performance provided for neighbouring sites, and avoid shading adjacent to usable outdoor open spaces.
- In commercial, residential or commercial mixed-use designated areas with taller developments vary building heights to strategically reduce the shading on to adjacent buildings.

On the initial drawings that accompanied the application submission, the wall adjacent to the public realm stretched the bulk of the frontage. With staff having concerns with the extent of the wall, its setback distance to the sidewalk and the stark transition between the public and private realm, the applicant amended the drawings to reduce the length of the wall while increasing the front setback in order to allow space for plantings. While landscaping is an issue to be addressed at the Development Permit application, the issue of open green space available for planting can be assessed at the Rezoning application.

Zoning

Density, Lot Coverage, Height and Setbacks: The following chart details the floor area ratios, lot coverage, setbacks, height, parking and usable open space of this proposed comprehensive development zone. Zoning Bylaw, 1992, No. 2050 does not currently contain a zone that can accommodate this proposed development.

| | Proposed CD No. 123 Zone |
|--------------------------------------|--------------------------|
| Residential Units | 48 |
| Residential Floor Area Ratio | 2.0 |
| Lot Coverage | 82% |
| Lot Coverage above the Parking Level | 44% |
| Setbacks (at the parking level) | |
| • Front [West] | 1.8 m |
| • Rear [East] | 0.1 m |
| • Interior Side [North] | 0.2 m |
| • Interior Side [South] | 0.0 m |
| Setbacks (above the parking level) | |
| • Front [West] | 9.3 m |
| • Rear [East] | 6.0 m |
| • Interior Side [North] | 7.2 m |
| • Interior Side [South] | 3.6 m |
| Building Height | 19.7 m |
| Off Street Parking | 48 spaces |
| Usable Open Space | 320 m ² |
| Bicycle Parking | 48 resident + 6 visitor |

Floor Area Ratio: The FAR of this proposal is 2.0 which correspond to the acceptable amount of 2.0 for a building in a 'Medium Density Residential' designated area.

Lot Coverage: The lot coverage of the building at or above the first storey, above the parking level is 44%, compared to 82% for the lot coverage at the parking level. Staff have worked with the applicant to decrease the lot coverage in an attempt to create more open green space.

Usable Open Space: Our zones that accommodate apartment developments generally require usable open space in the amount of not less than 7.5% of the area of the parcel. This development allows for an usable open space north and west of the Principal Building on top of the parking level in the amount of 320 m² [21% of the consolidated parcels].

Parking: Parking Bylaw, 1992, No. 2011 requires 1.3 parking spaces per unit to be provided for multiple family developments. Parking areas are required to be constructed to meet the standards for maneuvering aisle dimensions and associated parking stall dimensions detailed in Part 14, Table 2, of the Bylaw. This proposal incorporates 48 parking spaces to serve 48 residential rental dwelling

units.

In addition to reducing the parking spaces required, the following reductions are required to the Parking Bylaw No. 2011 based on the current parking plan:

- Reduction of the number of required Visitor parking spaces from 1 in 4 spaces to 1 in 24 spaces [i.e. from 12 to 2 spaces]

The applicant is proposing Modo car shares for the residents of the building in addition to a Modo electric vehicle parking space on site to compensate for the parking reduction.

Changes since the First Reading of the Zoning Amendment Bylaw

At the Regular Council meeting on July 15th, 2019, Council raised concerns regarding the livability of the 3-bedroom units, unit composition, and the number of off-street parking spaces provided in relation to the number of dwelling units, . Moreover, Council stated that 3-bedroom units might be less desirable in this proposed development's location.

In response to the recommendations and comments received at this Council meeting, the applicant amended the architectural plans by

- reducing the total units from 50 to 48
- removing the 3-bedroom units
- increasing the parking spaces from 47 to 48
- By lowering their unit count, and increasing their off-street parking spaces, 1.0 parking spaces per dwelling unit are now provided.

Green Building Features

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

Comments from the Design Review Committee

This application was considered at the regular meeting of the Design Review Committee held on April 3, 2019. Members expressed concerns with the vehicular circulation and parking variance of the proposed development. They also had concerns with the livability and the size of the three bedroom units. The committee stated that they wanted more contextual information relating to the rear setback and the distance to the existing building to the northeast. Furthermore, they would like supplementary drawings that would better illustrate the proposed building's context as it relates to the neighbourhood.

Hence, the Design Review Committee resolved that the application be forwarded to Council with a recommendation that the application be referred back to the Design Review Committee with additional context information including site context, sections and shadow studies.

In response to the Design Review Committee, the applicant has included additional drawings and a shadow study to aid in illustrating the context of the proposed development.

Comments from the Advisory Planning Commission

This application was considered at the regular meeting of the Advisory Planning Commission held on April 16, 2019. Members expressed interest in incorporating a commercial or community space as part of the development. They also asked about the size of the three bedroom units. In addition,

members had concerns with the number of visitor parking spaces.

The APC resolved that the application be forwarded to Council with a recommendation of approval as the proposed development is a good design and fit that responds to the need for rental accommodation while conforming to the Official Community Plan.

Comments from Other Departments

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

Community Safety Services: Building 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 have completed a preliminary evaluation of works and services that would be required for the proposed 50 unit multiple family residential building. Staff confirm 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 Admirals Road. 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 have 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 have completed a preliminary review of the proposed plans and has required that a hydrant be installed within 45 metres [148 ft] of the proposed building.

ISSUES:

1. Rationale for Selected Option

The application is consistent with the Proposed Land Use Designation of the subject property and the policy direction contained within the Official Community Plan for Medium Density Residential Developments. This proposed development is an appropriate location for increased density as it is in close proximity to the CFB Esquimalt, one of the major employers in the Township. This proposed development will also increase the number of rental units to the Township's housing supply.

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 E]. In addition, having rental accommodation so close to a major employer is likely to result in more employees able to walk to work thus reducing greenhouse gas emissions.

5. Communication & Engagement

As this is an OCP amendment and 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 have 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 since April 2019 and have been updated to show the date, time, and location of the Public Hearing.

As required by the 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. The meeting was held from 6pm to 8:30pm on May 30, 2019 at the Archie Browning Sports Centre. Staff confirms the applicant has provided the required submissions indicating that 12 people attended the meeting [Appendix M].

As per Council's motion to postpone consideration of the bylaw until the applicant seeks additional public engagement, the applicant consulted the community and held a community engagement meeting on October 3, 2019. The applicant has submitted a report that summarizes the public engagement meeting. Staff confirms that the applicant has provided the required submissions indicating that 16 people attended the meeting [Appendix N].

ALTERNATIVES:

1. That Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2967 and No. 2968 be given third reading, and staff be directed to coordinate with the property owner to ensure registration of the S.219 covenant on the title of the subject property prior to returning Amendment Bylaw No. 2967 and No. 2968 to Council for consideration of adoption.
2. That Council postpones consideration of Amendment Bylaw No. 2967 and No. 2968 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing.]
3. That Council defeats Amendment Bylaw No. 2967 and No. 2968.