



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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**File #:** 20-034, **Version:** 1

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### REQUEST FOR DECISION

**DATE:** February 19, 2020

Report No. DEV-20-005

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

**FROM:** Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 874 Fleming Street

**RECOMMENDATION:**

1. That Council resolves that Amendment Bylaw No. 2988, attached as Appendix A to Staff Report DEV-20-005, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 874 Fleming Street [PID 002-900-246, Lot B, Section 10, Esquimalt District, Plan 25267], shown cross-hatched on Schedule 'A' of Bylaw No. 2988, from Multiple Family Residential [RM-4] to Comprehensive Development District No. 130 [CD. No. 130], be given first and second reading; and
2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2988, and to advertise for same in the local newspaper.
3. That the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in staff report no. DEV-20-005, the applicant has voluntarily agreed to register a Section 219 Covenant on the title for 874 Fleming Street, [PID 002-900-246, Lot B, Section 10, Esquimalt District, Plan 25267], 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, but not limited to, the following:
  - Constructing the building to Step 4 of the BC Energy Step Code.
  - Providing electric car charging for 7 spaces as well as for mobility scooters and electric bikes.
  - Ensuring tree protection for the significant arbutus tree located on the southeast portion of the site.
  - Prohibiting stratification and sale of the units within the building.

- Providing amenity spaces as detailed in the architectural plans attached as Appendix C of Staff Report DEV-20-005.

To this end, 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 on the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2988 to Council for consideration of adoption.

## **RELEVANT POLICY:**

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Declaration of Climate Emergency

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, No. 2791, 2012

Advisory Planning Commission Bylaw, 2012, No. 2792

## **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:**

### **Purpose of the Application**

The applicant is requesting a change in zoning from the current zone of Multiple Family Residential [RM-4], to create a new Comprehensive Development District [CD-130]. This change is required to accommodate the proposed 6-storey, 137 unit, purpose built affordable rental and multiple family residential building including a 60 space underground parking garage and 7 surface parking stalls.

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, permitted uses, 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. 6 - Multi-Family Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction and No. 8 - Water Conservation of the Township's Official Community Plan. Should the rezoning be approved, a Development Permit would be considered for consistency against the guidelines of Development Permit Area No. 6 Multi-Family 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:** Greater Victoria Housing Society [James Munro/ Carly Abrahams]

**Owners:** Greater Victoria Housing Society, Inc. No. S-0005025

**Property Size:** Metric: 3909 m<sup>2</sup> Imperial: 42076 ft<sup>2</sup>

**Existing Land Use:** Multiple Family Residential [Affordable Seniors Rental]

**Surrounding Land Uses:**

North: Single Family Residential/ Vacant Land

South: Park/ Single Family Residential

West: Vacant land [Future Development Site]

East: Multiple Family Residential

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

**Existing Zoning:** RM-4 [Multiple Family Residential]

**Proposed Zoning:** CD [Comprehensive Development District]

**Official Community Plan**

The Official Community Plan Proposed Land Use Designation for the subject property 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 the height of six storeys but has a Floor Area Ratio of 2.1. Consistent with the direction contained within the Official Community Plan relating to density bonuses, the applicant is proposing to provide affordable rental and special needs housing for the benefit of the community.

OCP Section 5.1 includes 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 5.1 also includes a policy to 'encourage the development of rental accommodation designed for a variety of demographic household types, including young families.'

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

As the proposed development has a floor area ratio of 2.1, it is inconsistent 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".

Notwithstanding this inconsistency, the following policies address the use of density bonus for this

proposed development in order to achieve consistency with the Official Community Plan:

- Consider, where appropriate, development proposals with densities greater than those set out in the OCP through density bonus of floor-space provided that the additional density result in the provision of community amenities deemed appropriate by Council for the benefit of the community.
- Recognize, for the purposes of density bonuses, “amenities” may include but are not limited to:
  1. Privately-owned, publicly-accessible open space;
  2. Public art;
  3. Contributions towards the enhancement of public recreation facilities;
  4. Contributions towards street and boulevard enhancements, including street furniture and decorative lighting;
  5. Building to a higher step of the BC Energy Step Code than required under the Building Bylaw;
  6. Group daycare and respite for children and adults;
  7. Preservation of heritage structures, features or assets;
  8. Affordable housing units;
  9. Special needs housing units;
  10. Community gardens;
  11. Enhanced green family play space for residents;
  12. Public space improvements supporting and surrounding transit stations; and
  13. Other as may be appropriate to the development proposal or surrounding community as deemed appropriate by Council.

The applicant’s proposal is for the entire building to be affordable rental housing and the design includes seven (7) fully accessible units as noted in the Applicant’s Narrative [Appendix D].

Supporting policies in OCP Section 5.3 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.

Official Community Plan, Section 5.4 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 and seniors housing, the proposed development would be consistent with the following policies in this section:

- Encourage the provision of affordable housing by the private market and the non-profit housing sector.
- 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.
- Avoid the spatial concentration of affordable and special needs housing in 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.

Official Community Plan, Section 5.5, states an objective to expand and protect seniors housing in Esquimalt to enable citizens to “age in place”.

Supporting policies in OCP Section 5.5 consistent with the proposed development include:

- Support and facilitate development of multi-generational housing, including in medium and high density residential developments.
- Encourage child friendly developments that provide appropriate amenities such as outdoor play areas for young children that are well separated from traffic circulation and parking areas.
- Encourage more accessible housing for people with mobility limitations on the ground floor of medium and high density residential buildings.
- Encourage the development of seniors housing that is within close proximity and accessible to services and amenities.

Official Community Plan, Section 5.6, states an objective to address the shortage of family and child friendly housing in Esquimalt.

OCP Section 11.3.1 Public Cycling Infrastructure states the following policy:

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

OCP Section 11.3.2 New Development states the following policy:

- Encourage bike lockers in multi-unit residential and commercial/commercial mixed-use developments.

OCP Section 11.4 Public Transit states an objective to encourage transit oriented development that takes advantage of the transit system and increases use of the transit system.

OCP Section 11.7 Public Parking states an objective to on-site parking with all land use.

A supporting policy in OCP Section 11.7 consistent with the proposed development includes:

- Encourage New developments should meet the needs of the land use designation and bylaws to achieve on-site parking or have a variances supported by a parking study.

OCP Section 13.3.3 Building Energy Efficiency states the following policies:

- 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 OCP 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.

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.
- New buildings should be designed and sited to minimize visual intrusion on to the privacy of surround 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.
- 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.
- Strategically site buildings to sustain and increase the community's urban forest tree canopy cover.
- Use heat pumps, solar panels, green (living) roofing or an innovative system to improve a building's energy efficiency.
- Provide space for absorbent landscaping, including significantly sized trees on the site by not allowing underground parking structures to extend beyond building walls.

## **Zoning**

**Density, Lot Coverage, Height and Setbacks:** The following chart indicates the floor area ratios, lot coverage, setbacks, height, parking and usable open space of this proposal. Zoning Bylaw,

1992, No. 2050, does not currently contain a zone that can accommodate this proposed development.

	<b>Comprehensive Development CD-130</b>
<b>Residential Units</b>	137
<b>Residential Floor Area Ratio</b>	2.10
<b>Lot Coverage</b>	70%
<b>Lot Coverage above Parking Level</b>	50%
<b>Parking Structure Setbacks</b>	
• Front [Fleming Street]	0.0 m
• East Side	0.9 m
• North Side	2.9 m
• Eastern Interior Side	4.2 m
• West Side	2.0 m
• Rear [North]	1.1 m
<b>Building Setbacks (Minimum)</b>	
• Front [Fleming Street]	5.3 m
• East Side [Footpath]	3.9 m
• North Side	6.8 m
• Eastern Interior Side	4.9 m
• West Side	1.9 m
• Rear [North]	7.4 m
<b>Building Height</b>	22 m [6 storeys]
<b>Off Street Parking</b>	67 spaces
<b>Usable Open Space</b>	6.0%
<b>Bicycle Parking</b>	137 resident + 6 visitor

**Floor Area Ratio:** The FAR of this proposal is 2.1 which is greater than the acceptable amount of 2.0 for a building in a 'Medium Density Residential' designated area defined in the Official Community Plan. To address this requested increase in density the applicant proposes to provide 137 affordable housing units which is consistent with the OCP policy direction for Council considering added density.

**Lot Coverage:** The lot coverage of the building above the parking level is 50%, compared to 70% for the lot coverage at the parking level. This represents a significant increase to Lot coverage when compared to the RM-5 Multiple Family Residential zone that would restrict lot coverage to 30% of the area of the parcel.

**Usable Open Space:** The Township multiple family zones that accommodate apartment developments generally require the provision of usable open space in the amount of not less than

7.5% of the area of the parcel. This development has allocated 6.0% open space that would meet the definition of useable open space. In addition to this space the building design includes three amenity rooms, all offering direct connection to outdoor decks or patios, the largest of which is located at the southwest corner overlooking the park. These amenity rooms are available for use by all residents.

Parking: Parking Bylaw, 1992, No. 2011 requires 1.3 parking spaces per unit to be provided for multiple family developments. This proposal incorporates 67 parking spaces to serve 137 residential rental dwelling units, a ratio of 0.48 spaces per unit.

In addition to requesting a significant reduction to the total number of parking spaces required, the applicant is requesting a reduction to number of Visitor Parking spaces provided from 1 in 4 required spaces to approximately 1 in 6 spaces [i.e. from 17 to 13 spaces].

The applicant has provided a Transportation and Parking Study, produced by Bunt and Associates, stamped Received October 30, 2019 [ Appendix G], which supports the proposed number of residential parking and visitor parking spaces.

The proposed design also accommodates a single Loading Space in the surface parking lot for use by moving vans as well as delivery vehicles attending the site. This space is modestly shorter than the requirements for a Loading Space detailed in Parking Bylaw No. 2011 [6.4m vs 7.5m in length] however staff are not concerned by this modest reduction in length as the proposed space dimensions are expected to adequately accommodate larger vehicles expected to attend this site.

### **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 has completed a preliminary evaluation of Works and Services that would be required for the proposed 137 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 would be required up to the centre line of Fleming Street, meaning the installation of a significant portion of roadway. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a Building Permit application.

### **Fire Services**

Esquimalt Fire Department requests the following issues be addressed;

1. Complete construction of Fleming Street to the western lot line including in the design sufficient space to allow the fire apparatus to turn around.



2. No overhead obstructions across the face of the building [i.e. powerlines].
3. Consider the mature size of trees proposed for the frontage of the property and limit consideration to types that will not present access issues in the future.
4. Water Supply for fire fighting purposes must be provided in accordance with *Fire Underwriter Survey - Supply for Fire Protection*.
5. Installation of a new hydrant near the West Side Lot Line of 874 Fleming Street to address current and future fire suppression needs.

#### **Parks Services:**

Tree protection plan must include fencing surrounding the critical root zone sited around the dripline of all trees scheduled to be retained on the site. Any trees scheduled for removal as a result of this proposal shall be reviewed to determine if a Tree Removal Permit is required.

#### **Recommendation from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on August 20, 2019. The APC made the following recommendation:

“That the application for a rezoning be forwarded to Council with a recommendation to approve because the proposal meets the need for affordable housing and is a sensitive development to the neighbourhood”.

#### **Recommendation from the Design Review Committee [DRC]**

This application was considered at the regular meeting of the DRC held on September 11, 2019. The DRC made the following recommendation:

“The DRC recommends that the application be forwarded to Council with a recommendation to approve as it provides a valuable amenity in affordable housing and follows the design guidelines”.

#### **Timeline**

June 17, 2019 - Application received

August 20, 2019 - Application reviewed by the Advisory Planning Committee

September 11, 2019 - Application reviewed by the Design Review Committee

October 30, 2019 - Revised drawings received

February 11, 2020 - Revised drawings received

#### **ISSUES:**

##### **1. Rationale for Selected Option**

The form of this proposal complies with the ‘Medium Density’ ‘Proposed Land Use Designation’ (OCP Schedule B) and is consistent with the policy direction contained within the OCP for medium density residential development with the exception of requiring bonus density. The applicant has addressed the requested density bonus by committing to providing both affordable and special needs housing consistent with the direction contained in the OCP.

The development would add affordable housing units targeted toward families and seniors thereby meeting an identified need in Esquimalt. While the proposal provides for a lower parking capacity than has traditionally been considered for multiple family buildings, this reduction has been supported by parking demand in other GVHA facilities and on the premise that the target clients

are less likely to own vehicles than those able to afford market housing. This reduction in parking capacity also serves to encourage residents to choose alternative, lower carbon transportation solutions.

The applicant has indicated a willingness to voluntarily enter into a Section 219 Covenant to secure amenities including constructing the building to Step 4 of the BC Energy Step Code, providing electric car charging for 7 spaces as well as for mobility scooters and electric bikes, ensuring tree protection for the significant Arbutus tree located on the southeast portion of the site, securing the amenity spaces within the building for the benefit of residents and prohibiting stratification and sale of the units within the building.

The applicant has also agreed to enter into a housing agreement to secure the entire building as affordable rental units and provide for not less than seven accessible housing units constructed to the BC Housing accessibility standards. Finally, the DRC and the APC have both indicated support for the project.

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

Increasing residential density in existing neighbourhoods is believed to make a community more sustainable.

The applicant has completed the Green Building Checklist [Appendix E] and the applicant also proposes to construct this building to meet Step 4 of the BC Energy Step Code 4 requirements.

5. Communication & Engagement

Public Notification:

As this is a rezoning application, should it proceed to a Public Hearing, a notice would be mailed to tenants and owners of properties within 100m (328 ft) of the subject property. A sign indicating that the property is under consideration for a change in zoning has been placed on the Fleming Street frontage of the property and would be updated to reflect the date, time and location of the Public Hearing. Additionally, notice of the Public Hearing would be placed in two editions of the Victoria News.

Applicant's Public Consultation:

The applicant held a Community Open House and met with neighbours on May 29, 2019 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791 [Appendix H].

**ALTERNATIVES:**

1. That Council gives Bylaw No. 2988 first and second readings, directs staff to schedule a Public Hearing and begin development of a Section 219 covenant.

2. Council postpone consideration of Bylaw No. 2988 pending receipt of additional information.