



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 20-228, Version: 1

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### REQUEST FOR DECISION

**DATE:** May 20, 2020

Report No. DEV-20-025

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

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Official Community Plan Amendment and Rezoning Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street.

**RECOMMENDATION:**

1. That Council resolves to **rescind second reading, amend, and read anew a second time** Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, attached to Staff Report DEV-20-025 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 616 Constance Avenue [PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854], 620 Constance Avenue [PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135], 619 Nelson Street [PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854], 623 Nelson Street [PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135], and 1326 Miles Street [PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854] + [PID 006-375-693 Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854], all shown cross hatched on Schedule 'A' of Bylaw No. 2965, from RM-1 [Multiple Family Residential] to CD No. 121 [Comprehensive Development District No. 121];
2. Subject to any Ministerial Order, that Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, mail notices and advertise for same in the local newspaper; 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-20-025, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 616 Constance Avenue [PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854], 620 Constance Avenue [PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135], 619 Nelson Street [PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854], 623 Nelson Street [PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135], and 1326 Miles Street [PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854] + [PID 006-375-693 Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854] 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 616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street prior to development as the proposed CD No.121 Zone does not work unless the parcels are consolidated
- Undergrounding of the electric power lines along Constance Avenue and Nelson Street adjacent to the subject property
- 8 affordable dwelling units
- 3 special needs dwelling units
- Group daycare for children
- Building to be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code
- The building be constructed to include a minimum of six 3-bedroom (or more) dwelling units
- Right of way in the southeast corner to allow for privately owned publicly accessible open space
- Right of way and public walkway between Constance Avenue and Nelson Street on the northern part of the subject property
- A minimum of 17 visitor parking spaces will be provided and remain
- 100 shares for a membership for a shared vehicle service for the residents
- 88 bus passes for one year for residents
- 2 operational automobiles to be owned and maintained by the owner of the building for sole use of the residents at the building owner's expense.

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, and with Mayor and CAO authorized to execute said Covenant, prior to returning Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965 to Council for consideration of adoption.

#### **RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

*Local Government Act*

Declaration of Climate Emergency

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: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965

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: Transportation Impact Assessment Report  
Appendix H: Official Community Plan Amendment Consultation Responses  
Appendix I: Sanitary Flow Calculations  
Appendix J: Developer's Public Consultation Summary

**Purpose of the Application:**

The applicant is requesting a change in Official Community Plan (OCP) Proposed Land Use Designation from the current designation of High Density Residential to Commercial/Commercial Mixed-Use, and a change in zoning from the current RM-1 [Multiple Family Residential] to Comprehensive Development District No.121 [CD No.121]. The change in OCP Proposed Land Use Designation is required to accommodate the commercial uses proposed. The change in zoning is required to accommodate the proposed 12-storey, commercial residential mixed-use building including 129 residential units and a 126 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 OCP.

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 OCP. Should the OCP amendment and rezoning be approved, the Development Permit would be considered for consistency against the guidelines of Development Permit Area No. 5 - Commercial rather than 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: Sierra Land Construction Inc. [Troy Grant]  
Owners: 1174489 B.C. LTD., INC. NO. BC01174489 [616 Constance Ave, 620 Constance Ave, 619 Nelson St, and 623 Nelson St]  
Rashpal Singh Basi and Jasbir Basi [1326 Miles St]  
Property Size: Metric: 2627 m<sup>2</sup> Imperial: 28277 ft<sup>2</sup>  
Existing Land Use: Single Family Residential  
[616 Constance Ave, 620 Constance Ave, 619 Nelson St, and 623 Nelson St]  
Four-Unit Residential [1326 Miles St]  
Surrounding Land Uses:  
North: Single Family Residential  
South: Multiple Family Residential [2 storeys]  
Multiple Family Residential Townhouses [3 storeys]

West: Single Family Residential  
Multiple Family Residential [1 storey]  
East: Multiple Family Residential Apartment [3 storeys]  
Current OCP Proposed Land Use Designation: High Density Residential  
Amended OCP Proposed Land Use Designation: Commercial/Commercial Mixed-Use  
Existing Zoning: RM-1 [Multiple Family Residential]  
Proposed Zoning: CD [Comprehensive Development District]

### **Chronology**

November 23, 2018 - Rezoning Application submitted  
January 9, 2019 - Design Review Committee  
March 19, 2019 - Advisory Planning Commission  
May 6, 2019 - Official Community Plan Amendment Consultation List approved by Council  
August 19, 2019 - 1<sup>st</sup> and 2<sup>nd</sup> Reading

### **Official Community Plan**

The applicant is applying to amend the Proposed Land Use Designation from 'High Density Residential' to 'Commercial/Commercial Mixed-Use' in order to accommodate the proposed commercial uses. In commercial mixed-use areas, buildings with a floor area ratio of up to 3.0 for the residential portion of the building may be acceptable. The proposed development consists of a total Floor Area Ratio of 3.52 with the residential portion accounting for 3.19 in Floor Area Ratio. Hence, this proposal is inconsistent with the acceptable density prescribed in the OCP. In order to achieve consistency with the OCP, the applicant is proposing to provide amenities through density bonusing for the benefit of the community. The amenities offered for the bonus density are as follows:

- 8 affordable dwelling units
- 3 special needs dwelling units
- Group daycare for children
- Designed and constructed to conform to Step 4 of the BC Energy Step Code
- Right of way in the southeast corner to allow for privately owned publicly accessible open space
- Right of way and public walkway between Constance Avenue and Nelson Street on the northern part of the subject property

OCP Section 3.3 Housing and Community identifies land lying north of Esquimalt Road between Admirals Road and CFB Esquimalt as an area for residential densification. The Plan also supports the provision of a variety of housing types and tenures delivered by both market and non-market developers to support the housing needs of a diverse demographic.

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.

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 OCP 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 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.
- 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.

Currently, the applicant is proposing a purpose built rental building with dedicated affordable housing and special needs housing units.

Section 5.6 Family and Child-friendly Housing states an objective to address the shortage of family and child friendly housing in Esquimalt.

The proposed development has a mixture of dwelling unit sizes, including six 3-bedroom and den townhouse dwelling units, along with a commercial space labelled 'Daycare' proposed for Group Children's Day Care Centre Use which would be consistent with the following policy:

- Encourage the provision of medium and high density commercial mixed-use developments designed for families with children.

Section 6.1 Commercial & Commercial Mixed-Use Land Use states an objective to establish Esquimalt as a complete community where commercial enterprises serve the needs of area residents, local businesses, and visitors.

As the proposed development has a floor area ratio of 3.19 for the residential portion of the development, it is inconsistent with the following policy:

- In commercial mixed-use areas, buildings with a floor area ratio of up to 3.0 for the residential portion of the building may be acceptable.

However, the following policies address the use of density bonus for this proposed development in order to achieve consistency with the OCP:

- 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 results 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 proposed development is also generally consistent with the following policies of this section:

- Encourage a mix of uses in the commercial/commercial mixed-use areas.
- The majority of the frontage for commercial mixed-use buildings at the ground floor, should be commercial.
- On corner sites, the ground floor commercial use in mixed-use buildings should wrap around the corner.
- In commercial/commercial mixed-use developments, parking should be located behind or under the building.
- The installation of electric vehicle charging infrastructure in commercial/ commercial mixed-use developments is encouraged.
- Encourage the provision of amenities such as mini parks/plazas, street furniture, public art and decorative lighting on private lands in all commercial areas.
- To encourage the use of bicycles, provisions should be made in all commercial/ commercial mixed-used developments for bicycle parking for employees and visitors.

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 policies:

- 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 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 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.

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

- 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.
- Buildings should be designed and sited to minimize the creation of shadows on public spaces.
- Off-street parking areas should be located either at the rear of commercial buildings or underground. Surface parking should be screened with landscaping. Large parking areas should contain additional islands of landscaping.
- 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.
- High-density multi-unit residential buildings or mixed commercial/residential buildings in commercial areas should be designed so that the upper storeys are stepped back from the building footprint, with lower building heights along the street front to address human scale, public space, and maximum light penetration at street level.
- Underground parking should be encouraged for any multi-unit residential buildings exceeding four storeys.
- 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.
- Provide space for absorbent landscaping, including significantly sized trees on the site and by not allowing underground parking structures to extend beyond building walls.

## **Zoning**

Density, Lot Coverage, Height and Setbacks: The following chart lists 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.

	Proposed CD No.121 Zone
Residential Units	129
Total Floor Area Ratio	3.52
Lot Coverage (at the parking level)	82%
Lot Coverage at or above the First Storey	57%
Setbacks:	
Front [Miles Street]	6.0 m
Exterior Side [Constance Ave]	5.3 m
Exterior Side [Nelson St]	2.9 m
Rear	6.0 m
Building Height	46.5 m [12 storeys]
Off Street Parking	126 spaces
Usable Open Space	300 m <sup>2</sup> [11.4%]
Bicycle Parking	129 resident + 10 visitor

Floor Area Ratio: The FAR of this proposal is 3.52 where the residential portion of the building has a FAR of 3.19. This is greater than the acceptable amount of 3.0 for the residential portion of a building in a commercial mixed-use area.

Lot Coverage: The lot coverage at or above the First Storey of 57% is an increase from the currently allowed 40% within a RM-1 zone which is the current zoning of the property.

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 of the Principal Building in the amount of 300 m<sup>2</sup> [11.4% 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 manoeuvring aisle dimensions and associated parking stall dimensions detailed in Part 14, Table



2, of the Bylaw.

This proposal incorporates 126 parking spaces to serve 129 residential dwelling units, in addition to 4 commercial units with an area of 855 square metres. In mixed-use buildings with a commercial and residential component, there is a separate parking requirement for each component. The parking requirement for medium and high density apartments is 1.3 spaces/dwelling unit. The parking requirement for the commercial component is based on the type of commercial use. For 'Retail Sales of goods and services', 1 parking space is required for every 25 square metres. For 'Business and Professional Offices', 1 parking space is required for every 30 square metres. Hence, the proposed 855 square metres of commercial space will require 29-35 parking spaces according to the Parking Bylaw. In total, the parking requirement according to the Parking Bylaw is 197-203 parking spaces depending on the commercial uses.

In addition to varying the required parking spaces, the following variances 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 8 spaces [i.e. from 32 to 17]
- Reduction of the width of a two way manoeuvring aisle accessing two banks of parking from 7.6 metres to 6.5 metres
- Reduction of the width of a two way manoeuvring aisle accessing one bank of parking from 6.75 metres to 6.5 metres
- Reduction of the requirement where any parking space abuts any portion of a fence or structure, the minimum stall width shall be increased by 0.3 metres from 0.3 metres to 0.0 metres.

Currently, 5 of the parking spaces that abut a wall have not been increased by the required 0.3 metres.

As there is an application for an OCP Amendment to allow for the commercial units, 13(5) of the Parking Bylaw states that 'Where all of the following criteria are met in a commercial or industrial building, the off-street requirement of Section 13(1) may be reduced by a maximum of two spaces:

- 2 or more secure bicycle parking spaces are provided on-site
- Shower and change rooms are provided within the building
- 6 visitor parking spaces are provided on-site
- The building is located within 200 metres of a regional bus route.

### **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 January 9, 2019. Members had concerns with the height and massing as it is different from the rest of the neighbourhood. Members had questions regarding plans for the density bonusing amenities; subsequently, the applicant responded stating that they are still undecided and seeking input from the community. The Committee had concerns with the parking for the commercial component and the parking relaxations in general. The Committee also had concerns with the limited open green space and landscaping. The Design Review Committee resolved that the application be forwarded to Council with a recommendation of denial because it does not fit within the context of the

neighbourhood. (4 for and 2 opposed)

### **Comments from the Advisory Planning Commission**

This application was considered at the regular meeting of the Advisory Planning Commission held on March 19, 2019. Members liked the design but questioned the height and the fit for the neighbourhood. Members had mixed opinions in regards to the provision of commercial space at the subject location. Some members thought that the commercial use would be more suitable on a main corridor such as Esquimalt Road. The commission liked the variety of unit types and the usable open space but voiced concerns with the parking, in particular the parking availability for persons with disabilities. Members also inquired about the green building standards and the applicant affirmed that they will build to passive house standards. At the date of this presentation, the applicant has not yet detailed the density bonus amenities for the proposed development.

The Advisory Planning Commission resolved that the application be forwarded to Council with a recommendation of approval because it corresponds well with approved developments in the neighbourhood subject to staff investigating whether the proposed amenity is suitable given the bonus density.

### **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 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 129-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 may be required up to the centre line of Constance Avenue and Nelson Street. 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 has 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 has completed a preliminary review of the proposed plans and recommended that:

- Hydro lines from Esquimalt Road to northern portion of the proposed development property line along Nelson Street to be buried.
- Hydro lines from Esquimalt Road to northern portion of the proposed development property line along Constance Avenue to be buried.

- Fire flow calculations must be done to determine if sufficient water supply is available in the area before a building permit application is submitted. If it is determined that the area lacks sufficient water supply to address fire flow requirements, it is expected that the water mains along both Nelson Street and Constance Avenue be upgraded from Esquimalt Road to the most northern portion of the development property line before any construction of wood framing above grade commences, with additional hydrants if required. The method for increasing water supply for firefighting purposes must be completed in consultation with Victoria Water Works Department, the developer's fire protection system engineer and the Esquimalt Fire Department.
- A construction fire safety plan must be submitted at the same time as the building permit application.
- Tree planting along all building frontage must be designed not to impede fire truck aerial use and operations. The developer must consult with the Township of Esquimalt Parks Services and Fire Services to determine appropriate species at full growth.
- If heavy timber concept is the method of construction to be used and is not permitted within the current BC Building Code for the size of the building, the developer must obtain approvals (SSR) from BC Building and Safety Standards Branch.
- Fire department to be consulted on building and unit addressing.

#### **Revisions since the 1<sup>st</sup> and 2<sup>nd</sup> Reading on August 19, 2019**

Council gave 1<sup>st</sup> and 2<sup>nd</sup> readings to Amendment Bylaw No. 2964 and No. 2965 on August 19, 2019. However, the applicant has elected to amend the proposed development to a purpose built rental building. Most notably, the new proposal has amended the number of dwelling units, the number of parking spaces, and is constructed from concrete instead of mass timber. Accordingly, Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965 has been changed as per the following:

- Increase in the number of dwelling units from one hundred and nine (109) to one hundred and twenty-nine (129)
- Increase in the maximum allowed bonus density from 3.37 to 3.52
- Decrease in the minimum ratio of parking spaces per dwelling unit from 1.16 to 0.88.
- Increase in the number of visitor parking spaces from 11 to 17.
- Increase in the height from 45 metres to 46.5 metres to accommodate the rooftop mechanical system
- Under bonus density, instead of restricting the issuance of a building permit until a minimum 5 year lease has been secured with a Group Children's Day Care provider, stratification is restricted until the owner designates an area with a minimum Floor Area of 150 square metres for the use as Group Children's Day Care use.
- Under bonus density, instead of having to achieve Passive House certification, designed and constructed to conform to Step 4 (R2000) of the BC Energy Step Code

Furthermore, the list of items to be included as part of the Section 219 Covenant is also being amended by:

- Removal of the requirement of mass timber construction
- Designed and constructed to Step 4 (R2000) of the BC Energy Step Code instead of Passive House standards
- The building be constructed to include a minimum of six 3-bedroom dwelling units instead of a minimum of seventeen 3-bedroom dwelling units
- 100 shares for a membership for a shared vehicle service for the residents

- 88 bus passes for one year for residents
- 2 operational automobiles to be owned and maintained by the owner of the building for sole use of the residents at the building owner's expense.

Hence, the Section 219 Covenant to be registered on title will include the following items:

- The building be constructed to include a minimum of six 3-bedroom dwelling units
- Lot consolidation of 616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street prior to development as the proposed CD No.121 Zone does not work unless the parcels are consolidated
- Undergrounding of the electric power lines along Constance Avenue and Nelson Street adjacent to the subject property
- 8 affordable housing units
- 3 special needs housing units
- Group daycare for children
- Building to be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code
- Right of way in the southeast corner to allow for privately owned publicly accessible open space
- Right of way and public walkway between Constance Avenue and Nelson Street on the northern part of the subject property
- 17 visitor parking spaces will be provided and remain
- 100 shares for a membership for a shared vehicle service for the residents
- 88 bus passes for one year for residents
- 2 operational automobiles to be owned and maintained by the owner of the building for sole use of the residents at the building owner's expense.

## **ISSUES:**

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

This proposed development is sited at an appropriate location for increased density as it is close to Esquimalt Road, BC Transit routes, and the CFB Esquimalt, one of the major employers in the Capital Regional District. This proposed development will increase the number of dwelling units in the Township in addition to creating a greater diversity in housing types. Moreover, over 150 square metres of interior space and 100 square metres of exterior space will be dedicated to a Group Children's Day Care Centre.

### **2. Organizational Implications**

Further to Staff Report DEV-19-314, this Request for Decision has no organizational implications.

### **3. Financial Implications**

Further to Staff Report DEV-19-314, this Request for Decision has no financial implications.

### **4. Sustainability & Environmental Implications**

Further to Staff Report DEV-19-314, 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.

## 5. Communication & Engagement

As this is an OCP Amendment and Rezoning application, should it proceed to a Public Hearing, notices would be mailed to tenants and owners of properties within 100m (328ft) of the subject property. In order to satisfy the requirements of the Local Government Act, a notice to relevant government and institutional stakeholders within the Capital Region has been completed. Three signs indicating that the property is under consideration for a change in Zoning have been installed on the Constance Avenue frontage. In addition, three signs have been installed on the Nelson Street frontage and one sign has been installed on the Miles Street frontage. These signs would be updated to include 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 m of the subject property soliciting comments and inviting residents to attend a public open house. The meeting was held on February 22, 2019 at the CFB Esquimalt Wardroom at 1586 Esquimalt Road. Staff confirms that the applicant has provided the required submissions indicating that 12 people attended the meeting.

## **ALTERNATIVES:**

1. That Council resolves to rescind second reading, amend, and read anew a second time Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, attached to Staff Report DEV-20-025 as Appendix B; that Council authorizes the Corporate Officer to schedule a Public Hearing, mail notices and advertise for same in the local newspaper; and staff be directed to coordinate with the property owner to ensure a S.219 Covenant registered on the title of the subject properties, prior to returning Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965 to Council for consideration of adoption.
2. Council postpone consideration of Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965 pending receipt of additional information.
3. Council defeat second reading of Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965.