



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: May 10, 2021

Report No. DEV-21-037

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - 1100, 1104 & 1108 Esquimalt Road, and 610 & 612 Lampson Street

RECOMMENDATION:

1. That Council, upon considering comments made at the public hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2989, attached to Staff Report DEV-21-037 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 1100 Esquimalt Road [PID 005-988-292 Lot 1, Section 11, Esquimalt District, Plan 4618], 1104 Esquimalt Road [PID 005-988-331 Lot 2, Section 11, Esquimalt District, Plan 4618], and 1108 Esquimalt Road [PID 005-988-381 Lot 3, Section 11, Esquimalt District, Plan 4618], all shown cross hatched on Schedule 'A' of Bylaw No. 2989, from RM-1 [Multiple Family Residential] to CD No. 131 [Comprehensive Development District No. 131]; and by changing the zoning designation of 610 Lampson Street [PID 024-548-782 Strata Lot 2 Section 11 Esquimalt District Strata Plan VIS4828], and 612 Lampson Street [PID 024-548-774 Strata Lot 1 Section 11 Esquimalt District Strata Plan VIS4828], all shown cross hatched on Schedule 'A' of Bylaw No. 2989, from CD No. 22 [Comprehensive Development District No. 22] to CD No. 131 [Comprehensive Development District No. 131], be given third reading; and

2. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-21-037, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 1100 Esquimalt Road [PID 005-988-292 Lot 1, Section 11, Esquimalt District, Plan 4618], 1104 Esquimalt Road [PID 005-988-331 Lot 2, Section 11, Esquimalt District, Plan 4618], 1108 Esquimalt Road [PID 005-988-381 Lot 3, Section 11, Esquimalt District, Plan 4618], 610 Lampson Street [PID 024-548-782 Strata Lot 2 Section 11 Esquimalt District Strata Plan VIS4828], and 612 Lampson Street [PID 024-548-774 Strata Lot 1 Section 11 Esquimalt District Strata Plan VIS4828] 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 1100 Esquimalt Road, 1104, Esquimalt Road, 1108 Esquimalt Road, 610 Lampson Street, and 612 Lampson Street prior to development as the proposed CD No.131 Zone does not work unless the parcels are consolidated

- Undergrounding of the electric power lines along Esquimalt Road and Lampson Street adjacent to the subject property
- The building be constructed to include a minimum of four 3-bedroom dwelling units
- 9 visitor parking spaces will be provided and remain
- All the parking stalls wired for Level 2 (240V, AC plug with a dedicated 40-ampere circuit) electric vehicle charging stations
- Membership for a shared vehicle service for 69% of the units
- Parking space for a car share vehicle on the subject property
- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- No restriction on rentals to ensure that all the strata units in this building can be used as long-term residential rentals
- Provision of right-of-way for corner plaza and sidewalks.

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. 2989 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:

Healthy, Livable and Diverse Community: Support community growth, housing and development consistent with our Official Community Plan (OCP)

BACKGROUND:

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2989

Appendix B: Aerial Map

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

Appendix D: Green Building Checklist

Appendix E: Parking Study

Appendix F: Construction Impact Assessment & Tree Preservation Plan

Appendix G: Developer's Public Consultation Summary

Appendix H: Traffic Impact Assessment

Appendix I: Email from BC Transit

Appendix J: Public Input

Appendix K: Applicant Video Presentation
Appendix L: Applicant PowerPoint Presentation
Appendix M: Applicant Video Presentation Script
Appendix N: Staff PowerPoint Presentation

Purpose of the Application:

The applicant is requesting a change in zoning from the current mix of RM-1 [Multiple Family Residential] and a Comprehensive Development District No. 22 [CD-22] to another Comprehensive Development District zone [CD]. This change is required to accommodate the proposed 6-storey, 89-unit multiple family residential building including a 94-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. 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, 6, 7 and 8.

Context

Applicant: Praxis Architects Inc. [Heather Spinney]
Owners: Lampson Corner Nominee Ltd., Inc. No. BC1159146
Property Size: Metric: 3465 m² Imperial: 37296 ft²
Existing Land Use: Single Family Residential
Surrounding Land Uses:
North: Multiple Family Residential Townhouses [3 storeys]
South: Single Family Residential
Multiple Family Residential Townhouses [3 storeys]
West: Single Family Residential
East: Single Family Residential
OCP Proposed Land Use Designation: Medium Density Residential [no change required]
Existing Zoning: RM-1 [Multiple Family Residential]
CD No. 22 [Comprehensive Development District]
Proposed Zoning: CD No. 131 [Comprehensive Development District]

Chronology

March 8, 2019 - Rezoning Application submitted
November 13, 2019 - Design Review Committee
December 17, 2019 - Advisory Planning Commission
March 1, 2021 - Council gives 1st and 2nd Reading of the amendment bylaw
April 26, 2021 - Council rescinds, amends, and reads anew 2nd Reading

Official Community Plan

The proposed development is consistent with the Proposed Land Use Designation of 'Medium Density Residential'. The proposed development consists of 6-storeys, 89 residential units and a Floor Area Ratio under 2.0. Hence, this proposal is consistent with the acceptable density prescribed in the Official Community Plan.

OCP Section 3.3 Housing and Community identify the Esquimalt Road corridor 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.

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.
- 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."
- A mix of dwelling unit sizes should be provided in medium density and high-density residential land use designated areas 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 5.5 Age Friendly Housing states an objective to expand and protect seniors housing in Esquimalt to enable citizens to "age in place".

Supporting policies in this section relevant 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 adaptable design for all dwellings created through rezoning.
- Encourage more accessible housing for people with mobility limitations on the ground floor of medium and high-density residential buildings.

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.

The applicant is proposing a car share service for the residents of this residential development.

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.
- 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.
- The size and siting of buildings that abut existing single- and two-unit and townhouse dwelling should reflect the size and scale of adjacent development and complement the surround uses. To achieve this, height and setback restrictions may be imposed as a condition of the development permit.
- 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.

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.131 Zone
Residential Units	89
Floor Area Ratio	2.0
Lot Coverage (at the parking level)	74%
Lot Coverage at or above the First Storey	57%
Setbacks:	
Front [Esquimalt Road]	3.0 m
Exterior Side [Lampson Street]	3.4 m
Interior Side	3.7 m
Rear	4.9 m
Building Height	22.2 m [6 storeys]
Off Street Parking	94 spaces
Usable Open Space	450 m ²
Bicycle Parking	134 [134 resident + 6 visitor]

Floor Area Ratio: The FAR of this proposal is below the acceptable amount of 2.0 in a medium density residential designated parcel.

Lot Coverage: Staff has worked with the applicant to reduce the amount of excavated area for the parkade to 74% of the site to leave natural areas that can sustain significant trees and plantings.

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 a usable open space in an interior courtyard in the amount of 450 m² [13.0% 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 94 parking spaces to serve 89 residential dwelling units. Hence, the parking ratio of 1.05 is less than the required amount of 1.16 parking spaces as required by the Parking Bylaw. The applicant has submitted a parking study prepared by Watt Consulting Group indicating that the expected parking demand is 92 spaces for this 89-unit residential development. As the location's Walkscore is 78, most errands can be accomplished by walking. The applicant is also proposing to provide car shares for the residents via a car share service with a car on site.

Green Building Features

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

Comments from the Design Review Committee

This application was considered at the regular meeting of the Design Review Committee held on November 13, 2019. Despite having concerns with the loss of the trees on-site, the committee thought that this project exemplifies the vision and goals of the Official Community Plan. The committee also had concerns with the removal of the trees lining Esquimalt Road as it is a natural part of the community; consequently, they would like the applicant to consider a design that would integrate the retention of these street trees. There will be a total of 41 trees removed while 48 trees and about 200 shrubs will be planted in replacement. (Please refer to attached Appendix C Landscape Plan for revised tree count.)

The Design Review Committee resolved unanimously that the application be forwarded to Council with a recommendation for approval with the consideration of retention of the street trees because it matches the intentions of the OCP.

Comments from the Advisory Planning Commission

This application was considered at the regular meeting of the Advisory Planning Commission held on December 16, 2019. Members thought that it was an appropriate gateway building form at a notable intersection. Nonetheless, they had concerns with the massing, the lot coverage, and the interface with the townhouses to the north. They suggested an upper-storey setback to the northern lot line to alleviate this. The commission had mixed opinions about the proposed pedestrian experience as pertaining to the width of the sidewalks (2 metres on Esquimalt Road and 1.8 metres on Lampson Street), retaining walls for encasing plantings adjacent to the sidewalk, and the street trees. Members were unsure about whether the urban design integrates the proposed bike lanes. To increase the tree habitat and open green space, members recommended reduced parking requirements in the Parking Bylaw. In addition, members felt that there should be a housing agreement in place to prevent the future strata from prohibiting rentals. As a general consideration, the commission recommends that the Township should consider development cost charges and low-income housing contribution for rezoning applications with an increase in allowable density.

The Advisory Planning Commission resolved that the application be forwarded to Council with a recommendation of approval because this is an appropriate building form and density that would improve what is a gateway intersection into Esquimalt with the following considerations:

1. Reducing the amount of parking to increase the amount of soft landscaping;
2. Step back on the upper stories to reduce the impact of the massing and improve the light penetration for the parcel to the north; and
3. A housing agreement to prohibit future strata from prohibiting rentals.

(6 in favour and 1 opposed)

In response to the comments from the Advisory Planning Commission, the applicant reduced the number of residential units from 102 to 89 while decreasing the amount of excavated area for the parkade. The applicant amended the design to decrease the parkade lot coverage from 89% to 74% in order to increase the amount of open green space capable of significant trees and plantings.

Revisions since First and Second Reading on March 1, 2021

This application was considered at the regular meeting of Council held on March 1, 2021. In response to Council's comments, the applicant created additional articulations in the façades of the northern building.

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 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 Esquimalt Road and Lampson 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 concur with the landscape plan and the recommendations from the tree preservation plan from Talbot Mackenzie & Associates. 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 along Esquimalt Road and Lampson Street to be buried.
- Fire flow calculations as per the Fire Underwriters Survey required to ensure adequate water supply before a building permit application is submitted. 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.
- Fire department to be consulted on building and unit addressing.

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 central area of Esquimalt. This proposed development will increase the number of dwelling units in the Township in addition to creating a greater diversity in housing types.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

The applicant has completed the Esquimalt Green Building Checklist, detailing green features that will be considered for inclusion in the development should it be approved [Appendix D].

5. Communication & Engagement

Six signs indicating that the property is under consideration for a change in Zoning have been installed on the Esquimalt Road and Lampson Street frontage. These signs were 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 December 13, 2018 at the Esquimalt Recreation Centre at 527 Fraser Street. Staff confirms that the applicant has provided the required submissions indicating that 20 people attended the meeting. As of the date of writing of this report, staff has received 8 written comments from the public relating to this application [Appendix J].

In addition, approximately 333 public hearing notices were mailed to owners and occupiers of property within 100 m of the subject site. Public hearing notices were also published in the May 6 and May 13 editions of the Victoria News.

ALTERNATIVES:

1. That Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaws No. 2989 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. 2989 to Council for consideration of adoption.

2. That Council postpone consideration of Amendment Bylaw No. 2989 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing.]

3. That Council defeat Amendment Bylaw No. 2989.