



# 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:** June 21, 2021

Report No. DEV-21-049

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

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

**SUBJECT:**

Rezoning Application - 1338, 1340, 1344 & 1350 Saunders Street

**RECOMMENDATION:**

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3034, attached to Staff Report No. DEV-21-049 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 1338 Saunders Street [PID 006-374-816 Lot 25, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 006-374-786 Lot 24, Suburban Lot 45, Esquimalt District, Plan 2854], 1340 Saunders Street [PID 006-374-719 Lot 23, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 006-374-662 Lot 22, Suburban Lot 45, Esquimalt District, Plan 2854], 1344 Saunders Street [PID 005-479-258 Lot 21, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 005-479-240 Lot 20, Suburban Lot 45, Esquimalt District, Plan 2854], and 1350 Saunders Street [PID 004-543-483 Lot A, Suburban Lot 45, Esquimalt District, Plan 13158], all shown cross hatched on Schedule 'A' of Bylaw No. 3034, from RM-1 [Multiple Family Residential] to CD No. 139 [Comprehensive Development District No. 139] 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. 3034, 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 No. DEV-21-049, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 1338 Saunders Street [PID 006-374-816 Lot 25, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 006-374-786 Lot 24, Suburban Lot 45, Esquimalt District, Plan 2854], 1340 Saunders Street [PID 006-374-719 Lot 23, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 006-374-662 Lot 22, Suburban Lot 45, Esquimalt District, Plan 2854], 1344 Saunders Street [PID 005-479-258 Lot 21, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 005-479-240 Lot 20, Suburban Lot 45, Esquimalt District, Plan 2854], and 1350 Saunders Street [PID 004-543-483 Lot A, Suburban Lot 45, Esquimalt District, Plan 13158] 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 1338 Saunders Street, 1340 Saunders Street, 1344 Saunders Street, and 1350 Saunders Street prior to development as the proposed CD No.139 Zone does not work unless the parcels are consolidated
- Provision of 6 affordable rental housing units
- Undergrounding of the electric power lines along Saunders Street adjacent to the subject property
- The building be constructed to include a minimum of five 3-bedroom dwelling units
- 3 visitor parking spaces will be provided and remain
- All the parking stalls wired for, and including 1 Level 2 (240V, AC plug with a dedicated 40-ampere circuit) electric vehicle charging stations
- Membership for a shared vehicle service for all the units
- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents

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. 3034 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

#### **BACKGROUND:**

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3034

Appendix B: Aerial Map

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

Appendix D: Green Building Checklist

Appendix E: Developer's Public Consultation Summary

Appendix F: Applicant's Presentation

Appendix G: Staff's Presentation

#### **PURPOSE OF APPLICATION:**

The applicant is requesting a change in zoning from RM-1 [Multiple Family Residential] to Comprehensive Development District No. 139 [CD No .139]. This change is required to accommodate the proposed 6-storey, 72-unit multiple family residential building including a 72-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. 6 - Multi-Family Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction and No. 8 - Water Conservation of the Township's Official Community Plan. 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 situated within Development Permit Areas 1, 6, 7 and 8.

#### **CONTEXT:**

Applicant: WestUrban Developments, Ltd.

Owners: Arthur Frank Charlesworth [1338 + 1340 Saunders Street]  
Alvin and Noreen Dubetz [1344 Saunders Street]  
Davinder and Manmohan Johal [1350 Saunders Street]

Designer: Thuja Architecture and Design

Total Property Size: Metric: 2290 m<sup>2</sup>                      Imperial: 24650 ft<sup>2</sup>

OCP Present Land Use Designation: Townhouse Residential  
OCP Proposed Land Use Designation: High Density Residential  
Zone: RM-1 [Multiple Family Residential]  
Existing Land Use: Mix of Single-Family Dwellings and Duplexes  
Proposed Land Use: Multiple Family Residential  
Surrounding Land Uses:  
North: Federal Land  
South: Multiple Family Residential  
East: Multiple Family Residential  
West: Federal Land

#### **CHRONOLOGY:**

November 26, 2020 - Rezoning Application submitted  
May 12, 2021 - Design Review Committee  
May 18, 2021 - Advisory Planning Commission

#### **OCP ANALYSIS:**

The proposed development is consistent with the Proposed Land Use Designation of 'High Density

Residential'. The proposed development consists of 6-storeys, 72 residential units and a Floor Area Ratio of 2.0. Hence, this proposal is consistent with the acceptable density prescribed in the Official Community Plan.

OCP Section 3.3 Housing and Community identifies the land lying north of Esquimalt Road between Admirals Road and CFB Esquimalt 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 proximity to employment centres; and
  4. accommodate young families.
- Consider new high density residential development proposals with a Floor Area Ratio of up to 3.0, and up to twelve 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.

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

- 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 ANALYSIS:

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. 139 Zone
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Residential Units	72
Floor Area Ratio	2.0
Lot Coverage (underground parking level)	82%
Lot Coverage at or above the First Storey	47%
Setbacks:	
Front (Nelson Street)	11.0 m
Exterior Side (Saunders Street)	7.9 m
Interior Side	4.3 m
Rear	5.5 m
Building Height	19 m [6 storeys]
Off Street Parking	72 spaces
Bicycle Parking	82

**Floor Area Ratio:** The Floor Area Ratio of this proposal is consistent within the acceptable amount in a high density residential designated parcel.

**Lot Coverage:** Staff has worked with the applicant to reduce the amount of excavated area for the parkade to 82% of the site to leave natural areas that can sustain significant trees and plantings.

#### **PARKING ANALYSIS:**

**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 72 parking spaces to serve 72 residential dwelling units. Hence, the parking ratio of 1.0 is less than the required amount of 94 parking spaces as required by the Parking Bylaw.

In addition to reducing the number of required parking spaces, 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 18 to 3]
- Increase in the percentage of parking spaces that may be designated for small cars by reducing the depth of stall for 90 degree parking from 5.5 m to 4.5 m from 50% to 73%
- Reduction of the width of a two way manoeuvring aisle accessing two banks of parking from 7.6 metres to 6.4 metres
- Reduction of the width of a two way manoeuvring aisle accessing one bank of parking from 6.75 metres to 6.4 metres

#### **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 May 12, 2021. Members had concerns with the massing as the building is very large, imposing, and occupies the entire length of the block. The committee also had concerns with the accessibility and amount of outdoor space. Members questioned the practicality of the location of the garbage and recycling area as one would have to walk through the lobby to the outdoor area. As there is no step back in the massing in the upper storeys, the building lacks articulation.

The Design Review Committee resolved unanimously that the application be forwarded to Council with a recommendation of denial as the building does not relate to the neighbouring buildings, the ground plane, nor align with Esquimalt's intention for land use at this time.

#### **COMMENTS FROM THE ADVISORY PLANNING COMMISSION:**

This application was considered at the regular meeting of the Advisory Planning Commission held on May 18, 2021. Members had concerns with the lack of bicycle parking as the proposal contains fewer than 1.5 bicycle parking spaces per residential unit. Members also commented on the lack of provision of designated vehicular parking for visitors. Nonetheless, the members thought it was an improvement to the neighbourhood.

The Advisory Planning Commission resolved that the application be forwarded to Council with a recommendation of approval because of its consistency with the neighbourhood as it develops, its provision of valuable rentals, and its suitability to the neighbourhood.

In response to the comments from both the Design Review Committee and the Advisory Planning Commission, the applicant increased the articulations of the façade of the building. However, the applicant did not change the massing, the number of residential units, the amount of open green space, and the amount of floor area.

#### **COMMENTS FROM OTHER DEPARTMENTS:**

Community Safety Services (Building Inspection):

The building is 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 72-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 Saunders Street and Nelson Street.

Engineering staff has concerns with the siting of the garbage and recycling on the southeast corner. In addition, there shall be no parking within 9 metres of the intersection. Although these are issues more relevant to the development permit, the siting of the garbage and recycling does relate to the siting of the principal building.

The applicant has amended the location of the garbage and recycling to the west end of Saunders

Street as recommended.

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:**

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.

Moreover, parks staff requests the provision of a tree survey for all trees on the property and Township boulevard. The survey should include condition, specie, size, location (on scaled plan), tag number, and whether the tree is proposed to be retained or removed. Parks staff comments that the provided landscape plan looks good.

**Fire Services:**

Fire services staff has completed a preliminary review of the proposed plans and recommends that:

- Hydro lines along Saunders Street to be buried.
- Water main upgrade along Nelson Street to service the proposed multiple-family development
- Addition of new fire hydrants to meet BC Building Code and BC Fire Code.

**ISSUES:**

1. Rationale for Selected Option

The proposed rezoning is consistent with the Official Community Plan and would facilitate the development of new rental accommodation close to CFB Esquimalt. The location is also in easy walking distance of many goods and service providers.

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

As this is a 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. Signs indicating that the property is under consideration for a change in zoning have been installed on the Saunders Street and Nelson Street. 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. Staff confirms that the applicant has provided the required submissions. The applicant has included the 2 written email comments relating to this application [Appendix E].

**ALTERNATIVES:**

1. That Council resolves to gives first and second reading to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3034; and 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. 3034 to Council for consideration of adoption.
2. Council postpones consideration of Amendment Bylaw No. 3034 pending receipt of additional information.
3. Council defeats Amendment Bylaw No. 3034.