



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 21-407, Version: 1

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### REQUEST FOR DECISION

**DATE:** July 14, 2021

Report No. APC-21-019

**TO:** Chair and Members of the Advisory Planning Commission

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

**SUBJECT:**

Official community Plan Amendment and Rezoning Application - 880 Fleming Street

**RECOMMENDATION:**

That the Advisory Planning Commission [APC] recommends that the application for an Official Community Plan amendment to change the Development Permit Area applied to 880 Fleming Street from DPA No.3 - Enhanced Design Control Residential to DPA No. 6 - Multi-Family Residential and the associated Zoning amendment to authorize development of forty-five (45) multi-family residential units, including 42 rental units of which 28 units would be rented below market rent, and three (3) stratified, two storey penthouse units, as sited on the survey plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received April 26, 2021", and incorporating the height and massing consistent with the architectural plans provided by Steller Architectural Consulting, stamped "Received April 26, 2021", detailing the development proposed to be located at 880 Fleming Street [PID 030-353-556; Lot 1, Section 10, Esquimalt District, Plan EPP78715], **be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application including reasons for the chosen recommendation.**

**RELEVANT POLICY:**

Declaration of a Climate Emergency

*Local Government Act*

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

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

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

Building Regulation Bylaw, 2017, No.2899

**STRATEGIC RELEVANCE:**

Healthy, Livability, and Diverse Community - Support community growth, housing, and development consistent with our Official Community Plan (OCP).

## **BACKGROUND:**

Appendix A: Architectural Drawings, Concept Landscape Plan, and BCLS Site Plan  
Appendix B: Site Plan, Air photo, OCP Land Use Designations, OCP DP Area, Zoning maps  
Appendix C: Applicant's Green Building Checklist  
Appendix D: Arborist Report - Construction Impact Assessment  
Appendix E: Parking Study  
Appendix F: Applicant's Presentation to the APC.

## **Purpose of Application:**

The applicant is requesting a change the Development Permit Area applied to 880 Fleming Street from DPA No.3 - Enhanced Design Control Residential to DPA No. 6 - Multi-Family Residential to ensure the requested change in zoning is consistent with the OCP; and a change in zoning from the current RS-1 [Single Family Residential] zone to a Comprehensive Development District Zone [CD] to accommodate the proposed 5 storey development of forty-five (45) multi-family residential units, including 42 rental units of which 28 units would be rented below market rent, and three (3) stratified, two storey penthouse units to be constructed in one building on the subject property.

**Evaluation of this application should focus the appropriateness of the change in Development Permit Area from DPA No. 3 to DPA No. 6 for this location and on issues relevant to zoning such as the appropriateness of the proposed height, density and massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, how the building relates to adjacent and surrounding sites and whether the proposed uses are appropriate and consistent with the overall direction contained within the Official Community Plan.**

Specific form and character issues relating to the aesthetics of the building, such as cladding materials, window materials, railings, fencing, doorways, and detailed landscaping will be evaluated in a separate application for Development Permit should this rezoning application be approved by Council.

## **Context:**

Applicant:

Steller Architectural Consulting [Fred Mallach]

Owner:

Township of Esquimalt/ Method Built Homes (Rajinder Sahota)

Designer:

Steller Architectural Consulting [Fred Mallach]

Property Size:

Metric: 2170 m<sup>2</sup>

Imperial: 23,358 ft<sup>2</sup>

OCP Land Use Designation:

Current:

Medium Density Residential

Proposed:

Medium Density Residential

Zone:

RS-1 [Single Family Residential]

Existing Land Use:

Forested Vacant Land

Proposed Land Use:

45-unit multiple family residential building, including 3 stratified penthouse units and 42 rental apartments constructed in a 5 storey building]

Surrounding Land Uses:

North:

Two Family/ Single Family Residential

South:

Parkland - Lampson Park

East:

Multiple Family Residential

West:

Two Family/ Single Family Residential

**OCP Analysis:**

The proposed amendment to the OCP and Zoning bylaws envisions 45 multiple family residential units, including 3 strata penthouses and 42 rental apartments on this parcel.

Council can only approve a rezoning that is consistent with the Official Community Plan therefore the requested change of 'Development Permit Area applied from DPA No.3 - Enhanced Design Control Residential to DPA No. 6 - Multi-Family Residential [Appendix B] must be considered for approval concurrent to the proposed rezoning.

The Official Community Plan supports the expansion of housing types in residential areas. The immediate neighbourhood surrounding the subject property contains a mix of single family, two-family, townhouse and multi-family housing types.

Single and two-unit housing adjacent to the subject property to the north is designated to transition to townhouses in the future while the lands to the west and east on the south side of Craigflower Road are designated as Medium Density Residential on OCP Schedule B, the Proposed Land Use Designation map. Lands on the north side of Craigflower Road and on Fleming Street are also designated to intensify to Townhouses in the future thereby substantially increasing the density near Lampson Park and Esquimalt High School. This proposal is consistent with the vision of the OCP for this local area.

Section 5 Housing & Residential Land Use contains policies that are intended to ensure that concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character are addressed.

- Policy - 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.

### 5.3 Medium Density Residential Redevelopment

Objective: Support compact, efficient medium density and high-density residential development that integrates with existing and proposed adjacent uses.

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

### 5.4 Affordable Housing

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.

- Policy: 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.

- Policy: 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.

### 5.5 Age-friendly Housing

Objective: To expand and protect seniors housing in Esquimalt to enable citizens to “age in place.”

- Policy: 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.

### 5.6 Family and Child-friendly Housing

Objective: To address the shortage of family and child friendly housing in Esquimalt.

### 11.2 Walking

Objective: To develop the pedestrian network into the road corridor infrastructure that provides a safe, enjoyable and continuous network to promote its use.

- Policy: Encourage the inclusion of pathways and laneways that promote safe pedestrian travel, in new private developments and in the public realm.

### 11.3 Cycling - 11.3.2 New Development

Objective: To encourage the inclusion of bicycle facilities in new developments.

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

### 11.7 Public Parking

Objective: To encourage on-site parking with all land use.

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

OCP Section 23 Multi-Family Residential Development Permit Area No. 6 establishes objectives for the form and character of multi-family residential development. As the Development Permit is not being considered at this time it would be inappropriate to address many of the guidelines, with the following exceptions that are relevant to the discussion of zoning and parking issues:

### 23.5 Guidelines

1. 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.
2. 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.
4. Landscaping should emphasize the creation of an attractive streetscape, as well as provide privacy between individual buildings and dwellings, screen parking areas and break up large expanses of paving.
5. Surface parking areas in developments less than five storeys in height, will be situated away from the street and screened by berms, landscaping or solid fencing or a combination of these three.
6. Underground parking should be encouraged for any multi-unit residential buildings exceeding four storeys.
8. To preserve view corridors and complement natural topography, stepped-down building designs are encouraged for sloping sites.
9. Retention and protection of trees and the natural habitat is encouraged wherever possible.
14. Provide for building occupants to overlook public streets, parks, walkways, and spaces, considering security and privacy of residents.

The property is also included in the following OCP Development Permit Areas:

- Development Permit Area No. 1 - Natural Environment,
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction,
- Development Permit Area No. 8 - Water Conservation.

Many of these guidelines would be addressed at the Development Permit stage but the following are relevant to the discussion of zoning and parking areas, including in particular the siting of proposed buildings.

OCP Section 18 Development Permit Area No. 1 - Natural Environment is designated for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological

diversity.

18.5.2 Natural Features - Natural features and areas to be preserved, protected, restored, and enhanced where feasible:

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

18.5.4 Natural Environment - Measures to protect, restore and enhance the natural environment (limit noise, light, and air pollution).

Where it is reasonable:

1. Strategically locate leafy trees/ hedges and water features to mask urban noises such as traffic, garbage collection and delivery locations. Consider that leafy rough barked trees, vine covered walls and natural ground cover materials (mulch, soil) will help dampen urban noise.

4. Place trees and vegetation near sources of air pollution including busy roadways, to assist in reduction of air pollution through the collection of particulate matter on leaves and needles, and absorption of toxic gases, including but not limited to: ozone, nitrogen dioxide, sulfur dioxide, carbon monoxide, carbon dioxide, cadmium, chromium, nickel and lead.

18.5.5 Drainage and Erosion - Measures to control drainage and shoreline erosion.

Where it is reasonable:

1. Preserve, restore and enhance treed areas. Trees are the most effective form of absorbent landscaping due to their extensive root zones and their ability to both absorb water from the soil and intercept precipitation on leaves, needles and branches. Consider that native conifers are well adapted to local wet winters.

4. Maximize the ratio of planted and pervious surfaces to unplanted surfaces, and design paved areas to direct water towards vegetated areas, to help reduce surface run off. Where paved surfaces are needed, intersperse with drought resistant vegetation and trees, to help absorb stormwater, provide shade and reduce the local heat island effect.

6. Choose absorbent landscaping materials; leaf mulches, wood chips and good quality topsoil, over gravel, pavers and concrete. Provide mulch of organic, locally derived materials; leaf mulch from local tree leaves is most desirable.

OCP Section 24 - Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction - is designated for the purposes of energy conservation and greenhouse gas reduction.

24.5.1 Siting of Buildings and Structures.

Where it is feasible:

1. 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.

2. Build new developments compactly, considering the solar penetration and passive performance provided for neighbouring sites, and avoid shading adjacent to usable outdoor open spaces.

5. Strategically site buildings to sustain and increase the community's urban forest tree canopy cover.
6. Provide space for significant landscaping including varying heights of trees, shrubs and ground covers.

#### 24.5.2 Form and exterior design of buildings and structures.

Where it is feasible:

1. Orient larger roof surfaces to the south for potential use of solar panels or photo-voltaic roofing.
2. Use roof designs that reduce heat transfer into neighbouring buildings, helping reduce the local heat island effect and the need for cooling of buildings in warmer months.
3. Place more windows on the south side of buildings to increase solar gain, and fewer/ smaller windows on the north side to minimize heat loss.
6. Provide building occupants with control of ventilation; i.e. windows that open.
8. Add rooftop patios and gardens, particularly food producing gardens, as they can contribute to local resilience, livability, and reduction in greenhouse gas production by reducing food transportation costs.

#### 24.5.3 Landscaping.

Where it is feasible:

2. Choose open space and landscaping over dedicating space to the parking and manoeuvring of private motor vehicles.
4. Use deciduous trees for landscaping along southern exposures, as they provide shade in the summer and allow more sunlight through in the winter.
7. As context and space allow, plant trees that will attain a greater mature size, for greater carbon storage; removal of healthy trees is discouraged as the loss of the ecosystem services provided by larger trees will take many years to recover.
8. Plant trees with a larger canopy cover along roadways and sidewalks, thereby providing shading of paved areas, lowering the heating of paved surfaces and reducing the wind velocities in these pedestrian areas.
9. Plant shorter and sturdier vegetation closer to buildings and other structures, and taller vegetation further away to avoid potential damage from strong winds blowing vegetation against buildings.
11. For parking areas and along boulevard/ sidewalk edges; plant trees to provide shade, store carbon and reduce the heat island effect.

OCP Section 25 - Development Permit Area No. 8 - Water Conservation - is designated for the purpose of water conservation.



### 25.5.1 Building and Landscape Design.

Where it is feasible:

1. Reduce the burden on built stormwater infrastructure by designing on-site retention systems to retain the first 3 centimetres (1.25") of stormwater on site, per precipitation event.
2. Provide space for absorbent landscaping, including significantly sized trees on the site and by not allowing underground parking structures to extend beyond building walls.
4. Incorporate rain gardens into landscaping and direct rainwater towards vegetated areas.

### 25.5.3 Landscaping - Retaining Stormwater on Site (absorbent landscaping).

Where it is feasible:

1. Preserve and restore treed areas. Trees are the most effective form of absorbent landscaping due to their extensive root zones and their ability to both absorb water from the soil and intercept precipitation on leaves, needles and branches. Consider that native conifers are well adapted to local wet winters.

### **Zoning Analysis:**

As a medium density multiple family project, the proposed Comprehensive Development District zone would contain the following uses: apartment residential and home occupation.

The following table details the floor area ratio, lot coverage, setbacks, height, and parking of this proposal.

	<b>Comprehensive Development</b>
<b>Residential Units</b>	45 (42 Rental Units)
<b>Residential Floor Area Ratio</b>	1.6
<b>Lot Coverage</b>	56%
<b>Building Setbacks (Minimum)</b>	
• Front [Fleming Street]	8.6 m (7.3m to decks)
• East Side	3.8 m (3.6m to decks)
• Northwest Side	3.0 m (2.4m to decks)
• West Side	5.7 m (5.1m to decks)
• Southwest Side	3.4 m
• Rear [North]	7.6 m (6.0m to decks)
• Building Height	18 m [5 <del>storeys</del> ]
<b>Off Street Parking</b>	24 spaces + 2 Visitor spaces (3 fewer than recommended)
<b>Bicycle Parking</b>	45 resident + 6 <u>visitor</u>

Floor Area Ratio: FAR measures livable space in ratio to the size of the lot on which a building sits. The combined F.A.R of this proposal is 1.6 which is consistent with the maximum FAR of 2.0 identified within the OCP in areas designated for Medium Density. This proposed density delivers 30 - 1 bed and den units, 9 - 2 bed and den units, 3 - 3 bed and den units in addition to 3 - two storey, 3 bed and den, stratified penthouse units.

Lot Coverage: The combined Lot Coverage is 56%. The proposed 56% Lot Coverage does not include additional impermeable areas such as the proposed hardscaping, manoeuvring aisle and parking area resulting in a site that is dominantly impermeable with limited planting opportunities with the exception of the rear yard.

Setbacks: Staff note that when considering infill development proposals on specific sites, setbacks are often reduced to allow densification, but these reductions must be very carefully considered to ensure the project sensitively integrates into the existing neighbourhood.

The proposed front setback of 8.6m to the building and 7.3m to the overhanging decks is consistent with traditional zoning for a building of this size and height. Unfortunately, the combination of vehicle access, hydro supply needs, slope of the site, and the irregular shape of the parcel combine to limit planting opportunities across the southern face of the building.

The proposed rear setback of 7.6m is also consistent with traditional zoning requirements and staff note that the upper two floors are setback substantially further than the minimum associated with the lower three floors. While the excavation of the site requires the removal of all existing trees, the rear yard offers an opportunity for planting of more substantial tree species that will grow large in the future without negatively impacting the building.

The northwest side setback is 3.0m at the closest point of the building wall and is reduced to 2.6m at the closest deck. This is the “pinch point” of this rectangular building placed on this irregularly shaped parcel and the setback actually increases notably from the closest point of the building as one moves southward.

The west side setback is established at 5.7m from the lot line and is mildly encroached upon by the proposed decks that extends to 0.6m into the setback reducing it to 5.1m.

The southeast side setback is 3.4m at the closest point of the building but increases as it approaches the Front Lot Line to accommodate the entrance plaza and stairs leading into the park.

Height: Medium Density developments can be considered up to a height of six-storeys measured to the top of the roof from average grade for flat roof buildings.

The proposed building, measuring 18 metres over 5 storeys, is lower in height than the soon to be built 6 storey building on the site to the east.

The building is taller than single and two-family homes to the north and west however the portion of the building closest to the northern parcels is three storeys and is sited over 6.0 metres away from the shared lot line.

### **Parking Analysis:**

Parking Bylaw, 1992, No. 2011 requires 1.3 parking spaces per unit be provided “behind the front

face of the principal building” for multiple family developments. The bylaw would therefore require 59 spaces [45 residential, 14 visitor] be provided to satisfy the parking demand for this proposal. It is noted that the Parking Bylaw is over 28 years old and does not reflect the realities of contemporary parking. For example the Parking Bylaw does not differentiate between rental units and ownership units or below market rental units and market rental units. All of these may impact parking demand.

The applicant commissioned a Parking Study, prepared by Watt Consulting Group [Appendix E]. The consultant concluded that the baseline parking demand for the proposed development was notably less than the Parking Bylaw requirement, requiring only 42 parking spaces that could be reduced to 29 spaces if a suite of Transportation Demand Management measures are implemented.

To reduce the requirement from the 42 parking spaces demanded for this project the consultant recommended that the applicant provide car share memberships to each unit as well as an associated car share vehicle (presumably to be parked off-site on the street in the local area). The applicant has confirmed participation in car sharing program including the provision of funds for a car share vehicle.

The consultant also recommended that the applicant provide a Shared Electric Bike Program utilizing not less than five electric bikes for use by building residents for travel unrelated to commuting to work as well as providing associated secure bicycle parking spaces for these bikes. The applicant has confirmed their intention to create and manage the shared electric bike program.

Staff note that the proposed design for the parkade does not currently include facilities for an electric bike program. The applicant has currently only accommodated one bike lockup for each unit and 6 visitor bike lockups at the main entrance to the building.

Notwithstanding the conclusions of the applicant’s consultant, the applicant has provided only 26 spaces on-site. These include 24 spaces inside the parkade security gate for residents, consistent with the consultant recommendation, but only two dedicated Visitor Parking spaces outside the security gate, three fewer visitor spaces than recommended.

It is also notable that there is regular bus service to this area with transit buses passing regularly on Craigflower Road and Tillicum Road/ Lampson Street (see the parking study for details).

### **Comments from Other Departments:**

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

#### **Community Safety Services (Building Inspection:**

Project must be supervised by a BC registered architect. No concerns. Construct to current BC Building Code and Building Regulation Bylaw 2017, No. 2899. Subject to code and bylaw review at time of Building Permit application.

#### **Engineering Services:**

Engineering Services staff have completed a preliminary evaluation of Works and Services that would be required for the four townhomes proposed to be located at 880 Fleming Street. Staff confirms that the design appears achievable on the site and that works and services are available in

the immediate area and can be brought to the frontage of the parcel. If approved the development must be serviced in accordance with bylaw requirements including, but not limited to new sewer and drain connections and underground hydro, telephone and cable services. New gutter, and curb along the Fleming Street frontage may also be required. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a Building Permit application.

Staff note that significant infrastructure will need to be constructed in order to adequately service this site including extending Fleming Street, providing for adequate water services and confirming that existing sanitary sewer and storm drain capacities are sufficient to accommodate the proposal without incorporating extraordinary measures in the design.

#### **Parks:**

Tree protection is required for trees on neighbouring properties as per Tree Protection Bylaw. Applicant must apply for all tree removals through Parks Services and tree replacement requirements will be reviewed at that time.

#### **Fire Services:**

Esquimalt Fire Department [EFD] staff note that the applicant must confirm there is adequate water supply for fire protection systems. Sprinklers will be required for this building as per Building Regulation Bylaw 2017, No. 2899. Staff request that any trees proposed for the frontage of the building not impede access to the building via EFD Aerial Apparatus, roadway must be constructed to accommodate fire access and egress from the site.

### **ISSUES:**

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

Approval of this development application would add desirable density in a location designated to accommodate intensification of residential use within the OCP. The addition of desirable rental housing including family-oriented units and 28 below-market units close to transit services, Esquimalt High School, and a parks would improve housing choice in the area.

#### **2. Organizational Implications**

This Request for Recommendation has no significant organizational implications.

#### **3. Financial Implications**

This Request for Recommendation has no significant financial implications.

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

The applicant has provided the Township Green Building Checklist identifying features this intended for inclusion in the design [Appendix C].

#### **5. Communication & Engagement**

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 have been placed on the Lampson Park frontage which will be part of the extension of Fleming Street 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 Community Open House

The applicant plans to engage with the local community shortly, particularly owners and occupiers within 100m of the parcel, seeking feedback on the proposed development to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791. Now that Public Health Orders allow modest sized gatherings a Community Open House will occur once a venue is secured and a required notice is provided.

#### **ALTERNATIVES:**

1. That APC recommends to Council the application for OCP Amendment and rezoning be approved including reasons for this recommendation.
2. That APC recommends to Council the application for OCP Amendment and rezoning be approved subject to conditions being satisfied, including reasons for this recommendation.
3. That APC recommends the application for OCP Amendment and rezoning be denied including reasons for this recommendation.