



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

---

File #: 21-455, Version: 1

---

### REQUEST FOR DECISION

**DATE:** September 14, 2021

Report No. DEV-21-065

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

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

**SUBJECT:**

Rezoning Application - 530, 534 & 538 West Bay Terrace, and 877 & 879 Dunsmuir Road

**RECOMMENDATION:**

That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3039, attached to Staff Report No. DEV-21-065 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 530 West Bay Terrace [PID 005-090-202, Lot 7, Section 11, Esquimalt District, Plan 11515], 534 West Bay Terrace [PID 000-074-659, Lot 6, Section 11, Esquimalt District, Plan 11515], 538 West Bay Terrace [PID 000-074-594, Lot 5, Section 11, Esquimalt District, Plan 11515], 877 Dunsmuir Road [PID 005-090-181, Lot 2, Section 11, Esquimalt District, Plan 11515], and 879 Dunsmuir Road [PID 000-074-683, Lot 1, Section 11, Esquimalt District, Plan 11515], all shown cross-hatched on Schedule 'A' of Bylaw No. 3039, from RM-4 [Multiple Family Residential to CD No. 144 [Comprehensive Development District No. 144] be defeated.

**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. 3039  
Appendix B: Aerial Map  
Appendix C: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan  
Appendix D: Green Building Checklist  
Appendix E: Applicant's Letter  
Appendix F: Parking Study  
Appendix G: Transportation Demand Management Strategies  
Appendix H: Draft Tenant Relocation Plan  
Appendix I: Developer's Public Consultation Summary  
Appendix J: Public Input  
Appendix K: Applicant's Presentation  
Appendix L: Staff's Presentation

### **PURPOSE OF APPLICATION:**

The applicant is requesting a change in zoning from RM-4 [Multiple Family Residential] to a Comprehensive Development District zone [CD]. This change is required to accommodate the proposed 6-storey, 105-unit multiple family residential building including an 87-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, No. 8 - Water Conservation, and No. 11 - West Bay 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, 8, and 11.

### **CONTEXT:**

Applicant / Architect: dHK Architects [Alex McCumber]

Owner: Anita Tait

Total Property Size: Metric: 3342 m<sup>2</sup>                      Imperial: 35978 ft<sup>2</sup>

OCP Present Land Use Designation: Medium Density Residential  
OCP Proposed Land Use Designation: Medium Density Residential  
Zone: RM-1 [Multiple Family Residential]  
Existing Land Use: Multiple-Family Residential [1 Storey]  
Proposed Land Use: Multiple Family Residential [6 Storeys]  
Surrounding Land Uses:  
    North: Single Family Residential  
    South: Multiple Family Residential

East: Single Family Residential and Two Family Residential  
West: Multiple Family Residential

### **OCP ANALYSIS:**

The proposed development is consistent with the Proposed Land Use Designation of 'Medium Density Residential'. The proposed development consists of 6-storeys, 105 residential units and a floor area ratio of 1.88. Hence, this proposal is consistent with the acceptable density prescribed in the Official Community Plan.

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.

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 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.
- 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. 144 Zone
Residential Units	105
Floor Area Ratio	1.88
Lot Coverage (underground parking level)	80%
Lot Coverage at or above the First Storey	51%
Setbacks:	
Front [Dunsmuir Road]	7.5 m
Exterior Side [East]	7.0 m
Interior Side [West]	7.5 m
Rear	7.5 m
Building Height	21 m [6 storeys]
Off Street Parking	87 spaces
Bicycle Parking	127

**Floor Area Ratio:** The FAR of this proposal is consistent within the acceptable amount 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 80% of the site to leave natural areas that can sustain significant trees and plantings.

### **PARKING ANALYSIS:**

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 87 parking spaces to serve 105 residential dwelling units. Hence, the parking ratio of 0.82 is less than the required amount of 1.3 which would equate to 137 parking spaces.

### **COMMENTS FROM THE DESIGN REVIEW COMMITTEE:**

This application was considered at the regular meeting of the Design Review Committee held on June 9, 2021. Members thought that the provision of parking was inadequate as only 0.79 parking spaces were provided per residential unit. The committee thought that the unit sizes were too small and lacked quality indoor spaces. Specifically, they mentioned that some of the living rooms were smaller than the bathrooms. Moreover, they mentioned that the size of the kitchen and dining area are not sufficient for families. In general, members felt that the number of units were excessive and that the units were cramped. The committee also had concerns that the proposal doesn't resonate with the neighbourhood.

The Design Review Committee resolved unanimously that the application be forwarded to Council with a recommendation of denial as:

1. The units, particularly the units oriented for families, lack quality indoor living space.
2. The proposed building doesn't celebrate the desirability and uniqueness of its location in West

Bay.

3. The proposed building doesn't address the Dunsmuir Street streetscape.
4. The proposal needs an increase in private and public outdoor amenity space.

In response to the comments from the Design Review Committee, the applicant has submitted a revised proposal. They reduced the number of units from 110 to 105 while increasing the area of the individual units. Patios and entrances to the units facing Dunsmuir Street have been added to improve the streetscape. The outdoor amenity space is now more developed and usable; nonetheless, the amount of outdoor amenity space has remained the same as the building footprint has not changed.

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

This application was considered at the regular meeting of the Advisory Planning Commission held on August 17, 2021. Members thought that the proposal was generally a good fit for the neighbourhood and that the density was appropriate. The members noted that the revised design addressed some concerns noted by the Design Review Committee but did not fully address the concerns with articulation, setbacks, massing, and unit composition. The commission would desire a housing agreement to ensure long term affordability for some of the units. Moreover, they wanted the proposal to incorporate a green roof or solar panels on the roof of the 6<sup>th</sup> floor.

The Design Review Committee resolved that the application be forwarded to Council with a recommendation of approval as:

1. The proposed development provides desperately needed rental housing, as well as some family-oriented rental housing.
2. The proposal fits with the West Bay Design Guidelines.
3. The proposal fits well within the neighbourhood.

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

Development Services:

Development Services staff recommended minimizing the amount of site to be excavated for the parkade to allow for significant plantings on site. Staff recommends a front setback of 7.5 metres for both the parking level and building on Dunsmuir Road and a south setback of 5.5 metres for the parkade. Moreover, the impact of the retaining wall on the rear (to the south) should be mitigated. The additional setbacks should allow for additional green space and plantings in these areas.

The applicant responded by reducing the parkade lot coverage to 80% as recommended. The front setback along Dunsmuir Road for the parkade has been increased to about 4.4 metres, which is still less than the recommended 7.5 metres. The rear setback on the south has been increased to 7.5 metres and is sufficient. The applicant has opened the parkade to the south whereas it was previously a closed wall.

Staff initially recommended an estimate of 90 residential dwelling units based on the parcel area and one level of underground parking. This number of dwelling units relates to the building mass and the amount of open space provided. The applicant initially proposed 125 residential dwelling units and have since reduced this to 105 units.

Staff recommended that the applicant provide a parking ratio of 0.9 parking spaces per residential

units at the minimum. Currently, the applicant is proposing a parking ratio of 0.82. Moreover, staff recommends a further reduction of residential units to decrease the mass and to achieve the recommended parking ratio.

Staff recommended additional building articulation to break up the long mass. Staff recommended the creation of a central courtyard area around the lobby and the creation of a plaza area on the northeast corner with green space and benches. The applicant has responded with some articulations and a plaza area on the northeast corner. Staff appreciates the improvement since the Design Review Committee and recommends additional articulations to break up the mass.

Staff recommended that at least 30% of the units be 2-bedroom units and at least 10% of the units be 3-bedroom to accommodate families. In the currently proposed plans, 18% of the units are 2-bedroom units while 11.4% are 3-bedroom units. Staff continues to recommend an increase in the number of 2-bedroom units by converting some of the studio and 1-bedroom units into 2-bedroom units. Staff is recommending a reduction of residential units to align the proposal more closely to the parking bylaw.

The applicant's landscape plan has included a tree inventory as requested. Staff initially requested that the applicant investigate the possibility of retaining trees with tag numbers 1811, 1812, 1813, 1814, 1815, 1816, 1817 and 1829. The applicant has reduced the parkade dimensions to facilitate the retention of some of these trees.

Although the applicant is proposing compensation as part of their tenant relocation plan, this does not provide long-term sub-market rate housing in perpetuity. The provision of housing for both current and future residents is favoured over the displacement of residents. As per the *Local Government Act*, the local government can establish conditions relating to the provision of affordable and special needs housing when entitling an owner to a higher density. In recently approved and current applications for new rental apartment buildings, Township staff has consistently aimed to provide affordable housing in the form of rental units provided at sub-market rate that corresponds to no more than 30% of the gross household income for households with an income level at or below the BC Housing Income Limits for the Victoria region.

Table 1. Affordable Housing Units in Esquimalt Rezoning Applications:

Address	FAR	Pre-Rezoning Housing Units	Provided Affordable Units
638 Constance Ave	1.6	6 low-density units in houses and duplexes	7 affordable
669 Constance Ave	3.0	3 low-density units in houses and duplexes and a 5-unit apartment	6 affordable and 10 special needs
612 Constance Ave	3.5	4 low-density units in houses and a 4-unit apartment	8 affordable and 3 special needs
1300 Saunders St	2.0	6 low-density units in houses and duplexes	Proposal of 6 affordable

In recent housing agreements that are tied to rezoning applications, the number of new affordable units have generally correlated to the number of housing units that existed before the new

development. This ensures the provision of sub-market rate housing in perpetuity. These affordable housing units in Table 1 are in the neighbourhood north of Esquimalt Road and west of Admirals Road. The distribution of these units geographically throughout Esquimalt rather than its concentration creates a more equitable landscape. Moreover, it is equitable to developers and applicants for the Township to be consistent in its treatment of every rezoning application of multiple-family developments seeking greater density.

Currently, the applicant is not proposing to provide sub-market rate rental housing units.

Community Safety Services (Building Inspection):

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 has completed a preliminary review of the proposed development and have the following comments:

#### 1. Completion of Works and Services

According to Bylaw 2175, including all schedules, the developer may be required to provide all works and services up to the road centerline. All works and services that are required to be constructed and installed at the expense of the owner shall be constructed before the Approving Officer approves the development unless the owner:

- Deposits with the municipality a security deposit in the amount of 120% of the estimated construction cost, and
- Enters into a servicing agreement with the municipality.

#### 2. Serviceability

A preliminary review reveals that the subject properties are connected to the municipal sewer and drain systems. The proposed development is to have services as per Bylaw 2175 (Subdivision and Development Control Bylaw) including, but not limited to new sewer and drain service connections, new curb/gutter/sidewalk along frontages, and underground H/T/C to the proposed development. Loading zone should be encouraged on site.

#### 3. Engineering

The applicant is responsible for retaining the services of a qualified professional for the design and construction supervision of all works and services, including construction cost, engineering fees, administrative fees as indicated in Bylaw 2175.

#### 4. Additional comments

There may not be room for proposed trees between the 1.8m sidewalk and property line. Engineering staff recommends the allocation of additional space for trees on the private property along West Bay Terrace. Additional comments will be provided when a civil engineering drawing has been received.



#### 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 that all trees on the property and Township boulevard be delineated on the survey. The survey should include the tag number and whether the tree is proposed to be retained or removed. Parks staff comments that the provided landscape plan is adequate.

#### Fire Services:

Fire Department requires fire flow calculation to be shown. Depending on the current flow, an upgraded water main may be necessary. Moreover, additional fire hydrants may be necessary to meet the requirements of the fire department connection location. The power lines need to be underground for half the length along West Bay Terrace.

### ISSUES:

#### 1. Rationale for Selected Option

The provision of a multiple-family residential building in the subject location is consistent with the Official Community Plan's Proposed Land Use Designation of 'Medium Density Residential'. The current proposal does not adequately address the concerns of the Design Review Committee. Amongst other unaddressed concerns, the committee had concerns with the parking ratio and the excessive number of units. Since the Design Review Committee's unanimous recommendation of denial, the parking ratio has increased from 0.79 to 0.82 and the number of units decreased from 110 to 105. Staff recommends a further significant reduction of residential units and an increased parking ratio provision. Furthermore, the applicant is not providing any affordable housing in perpetuity in replacement of the existing housing units; rather, the units are all proposed to be rented at market rate. A tenant relocation program with compensation is not a sufficient substitute for the provision of affordable housing and the retention of the residents.

#### 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 Dunsmuir Road and West Bay Terrace 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. Staff confirms that the applicant has provided the required submissions. The applicant has included 45 comments relating to this application [Appendix I]. In addition, the Township of Esquimalt has also received 4 written email comments relating to this application [Appendix J].

**ALTERNATIVES:**

1. That Council defeats Amendment Bylaw No. 3039.
2. That Council gives first reading to Amendment Bylaw No. 3039.
3. Council postpones consideration of Amendment Bylaw No. 3039 pending receipt of additional information.