



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

---

File #: 21-563, Version: 1

---

### REQUEST FOR DECISION

**DATE:** November 28, 2021

Report No. DEV-21-080

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

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:**

Official Community Plan Amendment and Rezoning Application for a Proposed 45-Unit Multi-Family Apartment at 880 Fleming Street - Second Reading.

**RECOMMENDATION:**

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041 attached as Appendix A to Staff Report DEV-21-080 has been considered in conjunction with the Township's Financial Plan and the regional Waste Management Plans in accordance with Section 477 of the *Local Government Act*.

2. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041, attached to Staff Report No. DEV-21-080 as Appendix A, which would amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] [PID 030-353-556], shown cross hatched on Schedule 'A' of Bylaw No. 3041, from Development Permit Area No. 3 - Enhanced Design Control Residential to Development Permit Area No. 6 - Multi-Family Residential; be given second reading;

3. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, attached to Staff Report DEV-21-080 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] [PID 030-353-556], shown cross-hatched on Schedule "A" of Bylaw No. 3042, from RS-1 [Single Family Residential] to CD No. 145 [Comprehensive Development District No. 145]; be given second reading as amended by replacing "63" in Section 2. (13) (d) with "57";

4. That Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041, and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, mail notices, and publish public notices for same in a local newspaper.

**RELEVANT POLICY:**

Declaration of a Climate Emergency

*Community Charter*

*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

**STRATEGIC RELEVANCE:**

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

**BACKGROUND:**

At their September 27, 2021, meeting, Council gave both Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw. 2021, No. 3041 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, first reading. Prior to considering second reading for both bylaws, Council requested that the applicant conduct further consultation with the nearby residents and have a traffic study completed. The applicant has completed both tasks and the results are found in the report attached as Appendix "D" to this report.

**Appendices**

Appendix A: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3041

Appendix B: Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 3042

Appendix C: Site Plan, Air Photo, OCP Maps, Zoning Map

Appendix D: Information package from applicant outlining changes that have been made since first readings of the bylaws as well as a Traffic Study, a Revised Parking Study, a Revised Landscape Plan, and copies of correspondence sent to neighbours who delivered correspondence to the Township prior to the September 27, 2021, meeting.

Appendix E: Letter from Modo confirming the feasibility of a Modo Car at this location.

Appendix F: Architectural Plans, Shadow Plans, Landscape Plan, and BCLS Site Plan

Appendix G: Green Building Checklist

Appendix H: Arborist's Report

Appendix I: Notice of first neighbourhood meeting

Appendix J: Summary of comments from first neighbourhood meeting

Appendix K: Correspondence received after September 27, 2021

Appendix L: Executed Purchase and Sales Agreement

Appendix M: Public Comments Received before September 27, 2021

Appendix N: Applicant's Flyby model of the proposed development [≤](https://doc-0s-c8-docs.googleusercontent.com/docs/securesc/3boag001mfb341v6ildduabjujqv15p/s7scve8k5bojdproi47ij8s421il3ui6/1636486425000/10909886596339886382/05689564476359233833Z/1O_r_txlYfXMLcJQuazCwyWrkaAvI20G1?e=download&nonce=tc2jls146h1s6&user=05689564476359233833Z&hash=vqkpiokbjt4g9n1pipo7q9)

[https://doc-0s-c8-](https://doc-0s-c8-docs.googleusercontent.com/docs/securesc/3boag001mfb341v6ildduabjujqv15p/s7scve8k5bojdproi47ij8s421il3ui6/1636486425000/10909886596339886382/05689564476359233833Z/1O_r_txlYfXMLcJQuazCwyWrkaAvI20G1?e=download&nonce=tc2jls146h1s6&user=05689564476359233833Z&hash=vqkpiokbjt4g9n1pipo7q9)

[docs.googleusercontent.com/docs/securesc/3boag001mfb341v6ildduabjujqv15p/s7scve8k5bojdproi47ij8s421il3ui6/1636486425000/10909886596339886382/05689564476359233833Z/1O\\_r\\_txlYfXMLcJQuazCwyWrkaAvI20G1?](https://doc-0s-c8-docs.googleusercontent.com/docs/securesc/3boag001mfb341v6ildduabjujqv15p/s7scve8k5bojdproi47ij8s421il3ui6/1636486425000/10909886596339886382/05689564476359233833Z/1O_r_txlYfXMLcJQuazCwyWrkaAvI20G1?e=download&nonce=tc2jls146h1s6&user=05689564476359233833Z&hash=vqkpiokbjt4g9n1pipo7q9)

[e=download&nonce=tc2jls146h1s6&user=05689564476359233833Z&hash=vqkpiokbjt4g9n1pipo7q9](https://doc-0s-c8-docs.googleusercontent.com/docs/securesc/3boag001mfb341v6ildduabjujqv15p/s7scve8k5bojdproi47ij8s421il3ui6/1636486425000/10909886596339886382/05689564476359233833Z/1O_r_txlYfXMLcJQuazCwyWrkaAvI20G1?e=download&nonce=tc2jls146h1s6&user=05689564476359233833Z&hash=vqkpiokbjt4g9n1pipo7q9)

mverkcv1mj>

## Timeline

April 26, 2021, Application received

July 14, 2021, Advisory Planning Commission

August 3, 2021, applicant holds first neighbourhood open house

August 11, 2021, APC Design Review Committee

September 27, 2021, Council gave first reading to Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2021, No. 3042

November 1, 2021, applicant holds a second neighbourhood open house

November 6, 2021, applicant holds a third neighbourhood open house

## Purpose of the Application

The applicant is requesting an amendment to both the Official Community Plan and the Zoning Bylaw. The amendment to the Official Community Plan would 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. The concomitant amendment to the Zoning Bylaw would change the zoning from the current RS-1 [Single Family Residential] zone to a site-specific 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.

This application is based on a purchase and sales agreement that contains the following provisions related to the proposed development:

- 1) The maximum height of the Project is 4 storeys above grade, however, subject to rezoning, a maximum height of 6 storeys is possible.
- 2) The total Gross Floor Area of the Project is not less than 35,000 square feet.
- 3) The density of development of the Project will be a maximum of FAR 1.5 as measured in the Township of Esquimalt Zoning Bylaw, 1992, No. 2050.
- 4) The minimum number of residential units for the Project will be 40.
- 5) Forty-two of the residential units will be rental units, and three residential units may be owner-occupied.
- 6) The residential units will include a mix of 1-bedroom, 2-bedroom, and 3-bedroom units, with no fewer than 5% of the units being 3-bedroom.
- 7) On-site parking shall be provided to the satisfaction of the Township.
- 8) Vehicular access shall be from Fleming Street.
- 9) The Development Concept will show the existing trees on the property that are to be retained.
- 10) The Project will incorporate sustainability features to be agreed on with the Township.
- 11) The form and character of the Development Concept will fit within the neighbourhood context.

The Purchase and Sales Agreement also requires that the applicant enter into a Housing Agreement with the Township that will include the following terms and conditions:

- 1) The Project is to remain rental tenure for 25 years.

- 2) If the Project is strata titled, the strata bylaws cannot restrict the units from being rented.
- 3) Stratification of the building cannot compromise the functioning of the residential rental portion of the building.
- 4) The Housing Agreement will set out the rental rate structure.
  - a. One-third of the rental units will be rented at Market Rate.
  - b. One-third of the rental units will be rented at 90% of the agreed upon market rent.
  - c. One-third of the rental units will be rented at rates that equal 30% of the Housing Income Limits for respective unit types.
- 5) As nearly as possible, the 2-bedroom and 3-bedroom units will each be distributed equally among the three rental categories.
- 6) The Housing Agreement will set out a schedule for determining future rent increases.
- 7) The Housing Agreement will specify the process for determining eligible occupants.

Finally, the Purchase and Sales Agreement requires the Owner to enter a Covenant which would include the following conditions:

- 1) Conditions for the use of visitor parking stalls.
- 2) Provision of evidence from the Purchaser of agreed-upon TDM measures such as the provision of BC Transit eco-passes and car share co-op membership to tenants.
- 3) Requirements for retention of trees on the Property.
- 4) That the Property may not be subdivided under the *Land Title Act* or the *Strata Property Act* for a period of 25 years following issuance of an occupancy permit, with the exception of a subdivision under the *Strata Property Act* that divides the building into a maximum of four strata lots, three of which will be the residential units that may be owner-occupied and one of which will consist of the 42 residential units that are required to be rental units.

Both the Housing Agreement and the Covenant will be executed at the time of closing.

Evaluation of this application should focus on 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 the bylaws to amend the Official Community Plan and Zoning Bylaw be adopted by Council.

## **Context**

<b>Applicant:</b>	Fred Mallach, Steller Architectural Consulting
<b>Owners:</b>	Esquimalt, Corporation of the Township of
<b>Property Size:</b>	Metric: 2170 m <sup>2</sup> Imperial: 23,358.4 ft <sup>2</sup>
<b>Existing Land Use:</b>	Vacant with tree cover
<b>Surrounding Land Uses:</b>	
North:	Duplex Dwelling and Single Detached Dwelling

South: Little League Baseball Field

West: Duplex Dwelling, Single Detached Dwelling, Little League Baseball Field

East: Vacant Four storey Multi-Family Residential - Future 6-storey Multi-Family Residential

**OCP Proposed Land Use Designation:** Medium Density Residential

**Existing Zoning:** RS-1 [Single Family Residential]

**Proposed Zoning:** CD-145 [Comprehensive Development District No. 145]

### **Official Community Plan:**

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 amendment to Schedule H of the Official Community Plan to change the Development Permit Area applied to the subject parcel from DPA No. 3 - Enhanced Design Control Residential to DPA No. 6 - Multi-Family Residential [Appendix A] must be adopted concurrently with proposed rezoning bylaw.

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.

The Official Community Plan contains several objectives and policies that are relevant to the proposed amendments to the Official Community Plan and the Zoning Bylaw. The specific sections from the Official Community Plan are outlined below:

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/High 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.

Section 11 Transportation contains objectives and policies that encourage the use of alternative transportation.

#### 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 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.

18.5.5 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.

2. 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.

3. 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 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.

3. 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.

4. Underground parking should be encouraged for any multi-unit residential buildings exceeding four storeys.

5. To preserve view corridors and complement natural topography, stepped-down building designs are encouraged for sloping sites.

6. Retention and protection of trees and the natural habitat is encouraged wherever possible.

7. 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.



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.

#### 24.5.3 Landscaping.

Where it is feasible:

1. Choose open space and landscaping over dedicating space to the parking and manoeuvring of private motor vehicles.
2. Use deciduous trees for landscaping along southern exposures, as they provide shade in the summer and allow more sunlight through in the winter.
3. 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.

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.
3. Incorporate rain gardens into landscaping and direct rainwater towards vegetated areas.

### **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.

Regulation Category	Quantity
Number of Residential Units	45 (42 Rental, 3-strata ownership)
Floor Area Ratio	1.6
Lot Coverage	57 %
Building Setbacks	

• Front Lot Line Setback [Fleming Street]	8.6 metres (7.3 metres to decks)
• Front Lot Line Setback Above the Third Storey	20.5 metres (18.9 metres to a canopy)
• East Side Lot Line	3.8 metres (3.6 metres to decks)
• East Side Lot Line Above the Third Storey	6.8 metres
• Northwestern Side Lot Line	3.0 metres (2.0 metres to decks)
• Western Side Lot Line	5.7 metres (4.3 metres to decks)
• Western Side Lot Line Above the Third Storey	5.7 metres
• Southwestern Side Lot Line	3.0 metres
• Rear Lot Line [North]	7.6 metres (6.0 metres to decks)
• Rear Lot Line Above the Third Storey	15.5 metres
Building Height	18 metres
Usable Open Space	15%
Off Street Parking	24 spaces + 2 visitor spaces (0.53 spaces/dwelling unit)
Bicycle Parking - interior	57 bike spaces including 5 for oversized bikes.
Bicycle Parking - exterior	18 spaces

Floor Area Ratio: FAR measures livable space in ratio to the size of the lot on which a building sits. The combined FAR 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.

As summarized in the table below, 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.

Distribution of Rental Units				
Floor	1st	2nd	3rd	Total
1 Bedroom + Den	10	10	10	30 (71.4%)
2 Bedroom + Den	3	3	3	9 (21.4%)
3 Bedroom + Den	1	1	1	3 (7.1%)
Total	14	14	14	42 (99.9%)

Lot Coverage: The combined Lot Coverage is 57%. The proposed 57% 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 except for the rear yard.

**Setbacks:** 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.

The proposed rear setback of 7.6 m 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 five 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 2.0 m at the closest deck. This is the “pinch point” of this rectangular building placed on this irregularly shaped parcel and the setback 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 reducing it to 4.3 m.

The southwest side setback is 3.0 m 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 6 storeys measured to the top of the roof from average grade for flat roof buildings. The proposed building, measuring 18 metres (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 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 requirement 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, nor does it account for contemporary transportation demand management initiatives. All of these may impact parking demand. It should also be noted that the Official Community Plan contains a policy related to reducing parking when affordable housing is provided.

The applicant commissioned a Parking Study, prepared by Watt Consulting Group. This Study was revised following the September 27, 2021, Council meeting. The revised Study is included in the material in Appendix D. 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 and this could be reduced to 23 spaces if a suite of Transportation Demand Management measures is implemented. The proposed development features 26 spaces.

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 a car sharing program including the provision of funds for a car share vehicle (Appendix E). The details of the car share program will be formalized in the Section 219 Covenant.

The consultant originally 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. Following the September 27 Council meeting, the applicant has committed to increasing that number from 5 to 19 and adding an additional 14 e-bikes in perpetuity to the deep discount homes (Appendix D). Furthermore, the applicant has confirmed their intention to create and manage the shared electric bike program.

Fifty-seven (57) bicycle parking stalls are in the parkade, including 5 extra-large bicycle parking stalls. The addition of the extra-large stalls means a reduction in the original number of “63” regular bike parking stalls to a total of 57 bicycle parking stalls including the 5 extra-large stalls. This change necessitates an amendment to Section 2. (13) (d) of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, by replacing “63” bike parking stalls with “57” bike parking stalls.

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 in Appendix “D” 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 45 multiple family units 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.

The applicant is currently working with the Township’s Engineering Department and the engineering

consulting firm for the adjacent property to the east to coordinate the provision of services including road access and water.

**Parks:**

Tree protection is required for trees on neighbouring properties as per the 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, and that the roadway must be constructed to accommodate fire access and egress from the site.

## **Committee Recommendations**

### **Recommendation from the Design Review Committee [DRC]**

At their August 11, 2021, meeting, the Design Review Committee unanimously recommended that the application be forwarded to Council with a recommendation to approve for the reasons that the proposal will support a diverse demographic to the units and the massing is well considered with the following conditions:

- Applicant to examine opportunities to increase bicycle parking beyond the 1:1 unit-stall ratio
- Applicant to improve the vehicle parking layout to increase the number of parking stalls to meet the recommendations outlined in the Watt Parking Study.

In response to the Design Review Committee's recommendation, the applicant increased the number of bicycle parking spaces in the parkade to 57 bike spaces including 5 spaces for oversized bikes and increased the number of bike rack spaces outside to 18.

### **Recommendation from the Advisory Planning Commission [APC]**

At their July 20, 2021, meeting, the Advisory Planning Commission unanimously recommended that the application be forwarded to Council with a recommendation to approve based on the reason that the proposal is a much-needed project which will add to the Township's inventory of affordable housing.

## **ISSUES:**

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

Esquimalt is currently experiencing two concurrent macro issues; one is a lack of affordable housing and the other is the climate emergency. This proposal responds to both. It provides a variety of affordable housing in a built form that is most conducive to reducing climate impacts due to greenhouse gas emissions from buildings and motor vehicles. The medium density form is one of the most efficient

built forms in terms of the reduction of greenhouse gas emissions. This, combined with its location in a walkable neighbourhood close to several transit routes, is a good response to the current climate crisis.

## 2. Organizational Implications

This Request for Recommendation has no significant organizational implications.

## 3. Financial Implications

The proceeds of the sale of this property, approximately \$1,000,000.00 will go to the Parkland Acquisition reserve fund.

## 4. Sustainability & Environmental Implications

As noted above, this building form in this location will help reduce greenhouse emissions associated with both buildings and transportation. It will be built to a STEP Code Level 3 standard. While there will be a loss of 77 trees, there is a concomitant contribution of approximately \$80,000 that can be used to fund replacement trees throughout Esquimalt. It has been noted by some neighbours that the forest provides several ecological functions including wildlife habitat, water retention, and carbon dioxide sequestration. While these small areas of forest are important, their value as wildlife habitat is limited due to their small size and predation by grey squirrels and domestic cats. It is also noted that trees only sequester carbon dioxide. All the decaying matter in this forest is emitting carbon dioxide into the atmosphere as part of the decomposition process.

## 5. Communication & Engagement

The applicant held a neighbourhood meeting in August. The summary of this meeting is found in Appendix J. Based on comments Council received from the neighbours at their September 27, 2021 meeting, Council asked the applicant to do more consultation. The applicant subsequently responded to each person who sent an e-mail to Council prior to the September 27, 2021, meeting (Appendix D). The applicant also went door knocking in the neighbourhood and held two more neighbourhood meetings. At the November 1, 2021, meeting most of the issues were related to the cutting of trees and traffic. At the November 6, 2021, meeting, only two neighbours showed up. One was inquiring if the owner would forgo the project and have the land dedicated as park. The other neighbour had most of her questions answered at a previous open house.

It should also be noted that if Council approves second reading, a public hearing will be required.

## ALTERNATIVES:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041 attached as Appendix A to Staff Report DEV-21-080 has been considered in conjunction with the Township financial plan and the regional waste

management plan in accordance with Section 477 of the *Local Government Act*.

That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041, attached to Staff Report No. DEV-21-067 as Appendix A, be given second reading, and

That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, attached to Staff Report DEV-21-080 as Appendix B, be given second reading , as amended by replacing “63” in Section 13 (d) with “57” and

That Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw. 2021, No. 3041, and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, mail notices, and publish public notices for same in the local newspaper.

2. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041, attached to Staff Report No. DEV-21-067 as Appendix A, be defeated at second reading, and

That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, No. 3042, attached to Staff Report DEV-21-080 as Appendix B, be defeated at second reading.