



# Staff Report to Sustainable Development Advisory Committee

**DATE:** Monday, August 14, 2023

**DEPARTMENT:** Planning

**APPLICATION NO.:** Z22-0036

**SUBJECT:** Bylaw No. 2142 - Application to Rezone 820, 822, 824, and 826 Hockley Avenue from the R2 (One- and Two-Family Residential) Zone to the CC1 (City Centre) Zone to allow a six-storey apartment building.

**PURPOSE:**

Rachael Sansom and Neil Banich have applied on behalf of Pioneer Luxury Homes Ltd, Mova Properties Corp, and The Hockley Development Ltd. to rezone 820, 822, 824, and 826 Hockley Avenue from R2 (One- and Two-Family Residential) to CC1 (City Centre) to allow a six-storey apartment building with approximately 75 units.

**BACKGROUND:**

Previous Applications

No previous applications have been made.

**Table 1: Site Data**

<i>Applicant</i>	Rachael Sansom and Neil Banich
<i>Owners</i>	Pioneer Luxury Homes Ltd, Mova Properties Corp, and The Hockley Development Ltd.
<i>Civic Address</i>	820, 822, 824, and 826 Hockley Avenue
<i>Legal Description</i>	STRATA LOTS A AND B SECTION 5 ESQUIMALT DISTRICT STRATA PLAN VIS3644 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1; and STRATA LOT 1 AND 2, SECTION 5, ESQUIMALT DISTRICT, STRATA PLAN VIS3260 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1,
<i>Size of Property</i>	2,085 m <sup>2</sup> (combined total)

<i>DP Areas</i>	City Centre	
<i>Zoning</i>	Existing: R2	Proposed: CC1
<i>OCP Designation</i>	Existing: City Centre	Proposed: City Centre

Site and Surrounding Area

The subject properties are located within Langford’s City Centre, on the north side of Hockley Avenue near the intersection with Peatt Road. The lots are flat and contain two front/back style duplexes. Across the four lots, there are 5 trees and one large hedge that would be impacted by the development. The results of the arborist report will be discussed later within this report.

The surrounding area includes many apartment buildings between 4 – 12 storeys, with commercial ground floor activity occurring along Peatt Road. Additional shops, services, and transit connections are provided along Goldstream Avenue, approximately 250 m away. Danbrook Park, the nearest park, is approximately 500 m away, and the E&N Trail is approximately 300 m away.

**Figure 1: Subject Properties Outlined in Red**



Ruth King elementary school and Spencer middle school are within walking distance (approximately 700m and 1,200m , respectively). School District No 62 has been made aware of this application such that they can consider the proposed increase in density in this area as part of their long-range facility planning.

**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	C8 (Community Town Centre Pedestrian)	4 Storey Apartment
<i>East</i>	MU2 (Mixed-Use Residential Commercial 2)	5-storey Office and Retail
<i>South</i>	MU2 (Mixed-Use Residential Commercial 2)	6-Storey Apartment
<i>West</i>	MU1A (Mixed-Use Residential Commercial A)	6-Storey Apartment

Council may wish to note that the above noted properties were rezoned before the creation of the CC1, CC2, and CCP zones which were specifically created for downtown development. Since the introduction of these zones, the above noted zones have not been utilized for new applications.

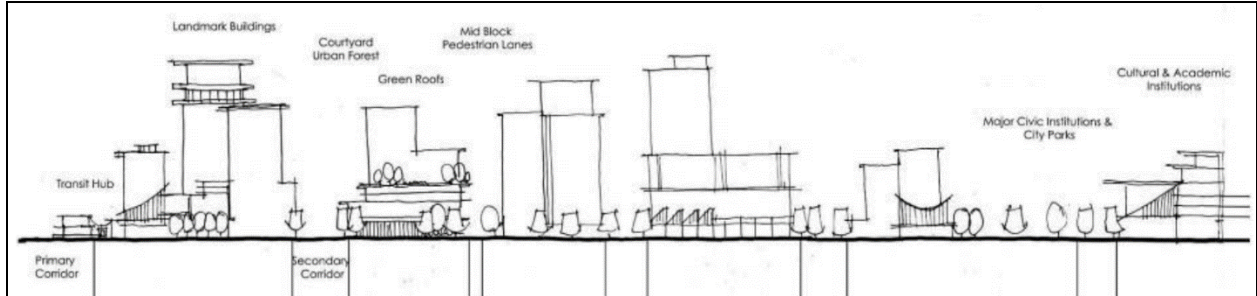
#### Council Policy

##### OFFICIAL COMMUNITY PLAN

The Official Community Plan (OCP) Bylaw No. 1200 designated the subject properties as City Centre, which is defined by the following text:

- A major regional growth centre that support a wide range of high-density housing, including affordable and rental housing
- A major employment area for institutional, office, commercial, light industrial uses
- Major civic uses and public buildings are key landmarks
- A major place of community gathering and celebration
- A wide range of public squares, parks and open spaces are integrated throughout
- The City’s major entertainment and/or cultural precinct
- Inter-city and/or inter-regional transit hub connect residents

**Figure 2: A Concept for the City Centre**



The proposal meets many objectives of the City’s OCP such as locating high intensity development in and around centres and near transit corridors, and provides ground floor units to ensure “eyes on the street” and active, street-oriented design.

#### DESIGN GUIDELINES

The subject properties are located within the City Hall (S2) neighbourhood of the City Centre Design Guidelines as outlined below. For this region of the City Centre, the design intent is as follows:

*The City Hall neighbourhood has a wide variety of uses from light industrial to mixed-use and residential. This neighbourhood, due to the variety of uses and central location in the City Centre, serves as a representation for the remainder of the City. Development within this neighbourhood shall include medium- and high-density residential as well as mixed-use buildings along Goldstream Avenue, Peatt Road and Jacklin Road. Buildings not used for residential purposes, shall incorporate and blend design to maximize consistency. Emphasis within the City Hall neighbourhood shall be to create a walkable, pedestrian-oriented neighbourhood.*



Further to these Neighborhood Guidelines, the subject properties were identified as being appropriate for consideration of the CC1 Zone on the City Centre Concept Map forming part of the City Centre design guidelines. The CC1 Zone allows for 6-storey apartment buildings with optional ground floor commercial. As such, this proposal is consistent with the City Centre Concept Map. Council may wish to note that the applicant is proposing an entirely residential building, with no ground floor commercial units.

#### DEVELOPMENT PERMIT AREAS

The subject properties are not located within any of the Environmental Protection or Hazardous Area Development Permit Areas. However, these properties are located within the City Centre Development Permit Area and since the proposal is for a multi-family development, a Development Permit for Form and Character will be required. This Development Permit is required prior to issuance of a building permit to ensure the design is consistent with the City's Design Guidelines

#### LOW CARBON CONCRETE

In accordance with Council's Low Carbon Concrete Policy POL-0167-PLAN, Council may wish to require to the applicant to utilize ready-mix concrete that meets or exceeds the weighted average Global Warming Potential targets based on Concrete BC Baseline (average) mix data for the construction of the proposed development.

#### ATTAINABLE HOUSING POLICY

Currently, the City's Attainable Housing Policy requires all new developments with 4-storeys or more to participate in the program but does not set out specific requirements for purpose built rental buildings. On February 21st, 2023, Council passed a resolution to direct staff to add requirements for purpose-built rental buildings for Council's consideration and to review individual proposals on a case-by-case basis in the interim, provided they meet a benchmark of including at least 10% of the units in a building for at least 10% below market rent. As we are still in the interim stage, the applicant has committed to providing at least 10% of the units at 10% below market rate, as per Council's resolution, or otherwise meet the City's current Attainable Home Ownership Policy in the event that they proceed with a condo building. Council may wish to require the applicant to enter into a Housing Agreement securing the units prior to the issuance of a building permit. The specific units will be confirmed through the development permit process.

#### **COMMENTARY:**

##### Development Proposal

The applicant has applied to rezone 820, 822, 824, and 826 Hockley Avenue from R2 (One- and Two-Family Residential) to CC1 (City Centre) to allow for a six-storey apartment building with approximately 75 units. The proposal includes a mix of 7 studios, 10 one-bedrooms, 30 one-bedrooms with den, and 28 two-bedrooms. All proposed ground floor units facing Hockley Avenue have individually accessed entrances from the street, allowing the proposal to meet the CC1 zoning requirement to have a minimum of 80% active building frontage. While each unit has a private balcony, the proposal also includes a 154 m<sup>2</sup> common outdoor amenity area on the ground floor on the west side of the lot, which is equivalent to 7% of the lot area. The applicant intends for this area to have seating and be used for pet activities. As this is a purpose-built rental building and the applicant is committing to attainable rental units, Council may wish to waive the typical requirement that the applicant strata-title the building.

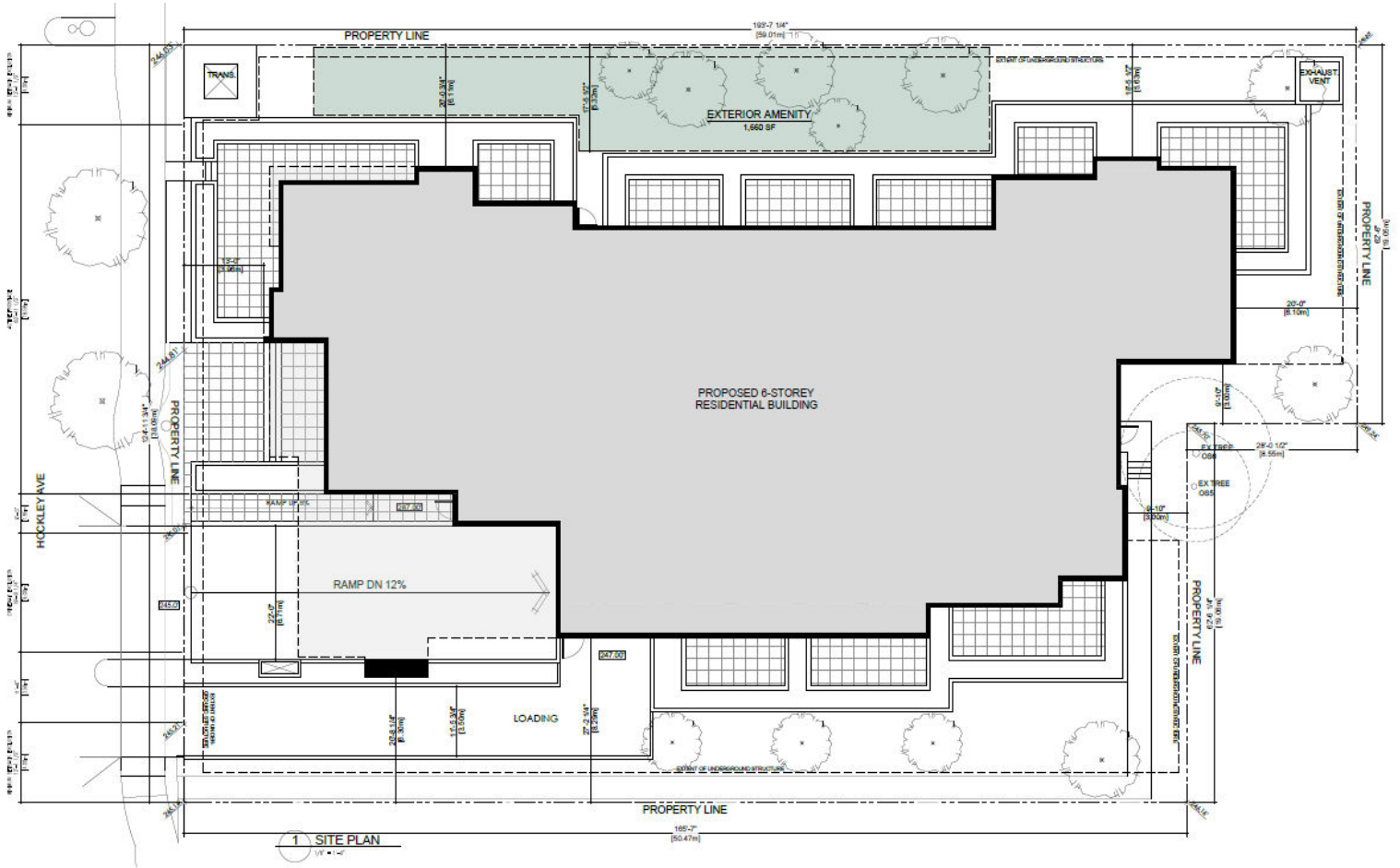
The applicant has provided a rendering to demonstrate the proposed form and character of the building. The materials proposed are predominantly black corrugated metal and white cementitious panels. It features stone accents along the ground floor and wood-toned composite metal trim and soffits to add warmth.

**Figure 3: Conceptual Rendering**



The site plan, shown below in Figure 4, demonstrates the location of the outdoor amenity space, ground floor patios, underground parking entrance, and loading space which is intended for garbage and recycling pick up.

Figure 4: Site Plan



#### PARKING

The applicant is requesting a small parking variance to reduce the number of stalls from 1.25 parking spaces per unit to 1.2 parking spaces per unit. This results in the provision of 90 stalls instead of the required 94 stalls. It was found through the arborist report that two off-site Garry Oak trees would be negatively impacted by the underground parking garage and the required excavation. Given this, the applicant has elected to shrink the footprint of the parking garage, which has resulted in a loss of 4 parking stalls. The applicant would still be able to provide one parking space for each of the 75 units, as well as 15 visitor parking stalls. Due to the proximity of downtown shops, services, and transportation options,

Council may wish to authorize the Director of Planning to issue this variance within the development permit.

Council may wish to note that the Zoning Bylaw requires that all residential parking stalls include conduits capable of providing wiring for Level 2 electric vehicle charging and therefore the requirement does not need to be secured through this rezoning.

Council may also require the applicant to register a separate covenant at the time of building permit that ensures residential parking is not provided in exchange for compensation separate from that of the residential unit.

The applicant is providing one bicycle parking space per unit, as per the City’s bylaw requirements.

**Table 3: Proposal Data**

	<b>Permitted by R2 (Current Zoning)</b>	<b>Permitted by CC1 (Proposed Zoning)</b>	<b>Proposed by Rezoning Application</b>
<i>Permitted Uses</i>	<ul style="list-style-type: none"> <li>One or Two-Family Dwelling</li> <li>Group Day Care</li> <li>Home Occupation</li> </ul>	<ul style="list-style-type: none"> <li>Apartment</li> <li>Office</li> <li>Restaurant</li> <li>Retail Store</li> </ul>	<ul style="list-style-type: none"> <li>Apartment</li> </ul>
<i>Density (FAR and/or min. lot size)</i>	n/a	5.0 FAR	2.75
<i>Height</i>	9 m	6-storeys	6-storeys
<i>Site Coverage</i>	35%	n/a	47%
<i>Front Yard Setback</i>	6 m	2 m - 1-2 storeys 4 m - 3+ storeys	4.28 m – all storeys
<i>Interior Side Yard Setback</i>	1.5 m	3 m	5.63 m – west side 6.3 m – east side
<i>Exterior Side Yard Setback</i>	4.5 m	2 m - 1-2 storeys 4 m - 3+ storeys	N/A
<i>Rear Yard Setback</i>	6 m	3 m	3 m
<i>Vehicle Parking Requirement</i>	2 per unit + 1 per secondary suite	1.25 per 0-2 bedrooms 2.25 per 3+ bedrooms	1.2 per unit* all 0-2 bedrooms, no 3+ bedrooms
<i>Bicycle Parking Requirement</i>	n/a	1 per unit	1 per unit (75)

\*Variance requested

#### TREES

As part of their application, the applicant has submitted an arborist report to assess on- and off-site trees that may be impacted by the proposed development. Their report examined 5 on-site trees, 2 municipal trees, and 16 off-site trees within influencing distance of the project. While the 16 off-site trees and 2 municipal trees can be protected and maintained throughout construction, the report concluded that all 5 on-site trees will need to be removed to accommodate the proposed building and underground parking. The on-site tree species to be removed are Cherry (1), Plum (2), Atlas Cedar (1), and Garry Oak (1) trees, in addition to a large cedar hedge near the northern property line. As noted previously, the applicant has made changes to their original proposal in order to avoid impact to two Garry Oak trees on a neighbouring property. The arborist report has been attached to this report for reference. Council may wish to require that the applicant implement the tree protection and monitoring measures outlined by the arborist within their report throughout the course of construction.

The applicant has provided a landscape concept plan to demonstrate their intent to plant approximately 12 new trees on site, as well as boulevard trees. A six-foot privacy fence will also be installed along the side and rear property lines. The landscape concept plan has been attached to this report for reference.

#### Multi-Modal Network

##### FRONTAGE IMPROVEMENTS

Frontage improvements will be required to meet Bylaw No. 1000 standards. The Director of Engineering has noted that this will include red brick sidewalk and street parking. No road dedication has been requested. The Parks Department has requested that a Section 219 Covenant be required to secure that the owner will maintain boulevard landscaping from the back of the sidewalk.

##### PEDESTRIAN, CYCLING AND MOTORIST NETWORK

As noted, the subject properties are well located within the Langford City Centre with good access to shops, services, and transit options. Sidewalk in front of the building will be installed as part of the frontage improvements, filling a gap between 830 Hockley Avenue and 2840 Peatt Road. This sidewalk connects to Peatt Road which has sidewalks on both sides of the street leading north to Goldstream Avenue and south to Orono and Station Avenues. While there are no bike lanes on Hockley Avenue, there are bike lanes on both sides of the street along Peatt Road which provides connection to the E&N trail, which in turn provides connection to the Galloping Goose trail. The E&N and Galloping Goose trails offer protected cycling access to downtown Victoria and other communities along the way. The project is also within close walking distance to multiple MODO car share vehicles. No Traffic Impact Assessment was requested by the Director of Engineering as the City's Master Transportation Model has accounted for this type of density. To manage added vehicles to Hockley Avenue, the Director of Engineering has requested that no occupancy permit be issued until the roundabout at Peatt and Hockley Road is completed. The Ministry of Transportation and Infrastructure has noted that they have no objections to the proposal and BC Transit has expressed support.

## Infrastructure

### DRAINAGE AND STORMWATER

The applicant has submitted a stormwater technical memo prepared by an engineer outlining how they plan to manage stormwater on-site. This memo has been reviewed and approved by the Director of Engineering.

### SEWERS

A sewer main exists along Hockley Avenue and a connection from the building to this main would be required. Any improvements, extensions, or modifications needed to the sewer main within the municipal road right-of-way will be completed by West Shore Environmental Services at the applicant's expense.

## Construction Impact Mitigation

### CONSTRUCTION PARKING AND TRAFFIC MANAGEMENT PLAN

Council may wish to require a Construction Parking and Delivery Management Plan as a condition of rezoning and require that it be provided to the satisfaction of the Director of Engineering prior to any land alteration. This should be secured within a covenant, prior to Bylaw Adoption.

## Neighbourhood Consultation

Prior to this meeting, the applicant consulted with the immediate neighbours by sending a notice through email, including the proposed building renderings and floor plans. They provided an email address for comments or to arrange meetings if requested. The property manager of 821 Goldstream, directly to the north, reached out with concerns about fencing and trees. The applicant responded by stepping the building away from the northern property line which will allow for better protection of their trees, and a fence will be installed as part of the required landscape plan secured through the development permit.

## **FINANCIAL IMPLICATIONS:**

### Financial Implications

Rezoning the subject properties to permit higher density of development will increase the assessed value of lands and eventually will increase municipal revenue due to the number of units created. As the developer is responsible to complete all frontage improvements, the direct capital costs to the City associated with this development will be negligible. A summary of Amenity Contributions and Development Cost Charges that the developer will be expected to pay, is outlined in Tables 4 and 5 below.

### Council's Amenity Contribution Policy

The amenity contributions that apply as per Council's current Affordable Housing and Amenity Contribution Policy are summarized in Table 4 below, based the current floor plans and total density of 75 residential units.

**Table 4 – Amenity Contributions per Council Policy**

<b>Amenity Item</b>	<b>Per unit / area contribution</b>	<b>Total (75 units)</b>
<i>General Amenity Reserve Fund</i>	\$2,850 per unit (1st through 4 <sup>th</sup> storeys)	@ 49 units = \$139,650
	\$1,425 per unit (5 <sup>th</sup> & 6 <sup>th</sup> storeys)	@ 26 units = \$37,050
<i>Affordable Housing Reserve Fund</i>	\$750 per unit (1st through 4 <sup>th</sup> storeys)	@ 49 units = \$36,750
	\$375 per unit (5 <sup>th</sup> and 6 <sup>th</sup> storeys)	@ 26 units = \$9,750
<b>TOTAL POLICY CONTRIBUTIONS*</b>		<b>\$223,200*</b>

\*Any below market units are subject to a 50% reduction in amenity fees on the 1<sup>st</sup> through 4<sup>th</sup> floors, as per the City's Affordable Housing and Amenity Contribution Policy. The applicant has committed to providing 10% of the units at a below market rate.

**Table 5 - Development Cost Charges**

<b>Development Cost Charge</b>	<b>Per Unit Contribution</b>	<b>Total (75 units)</b>
<i>Roads</i>	\$3,092.39	\$231,929.25
<i>Park Improvement</i>	\$1,348	\$101,100
<i>Park Acquisition</i>	\$90	\$6,750
<i>ISIF</i>	\$331.65	\$24,873.75
<b>Subtotal (DCC's to Langford)</b>		<b>\$364,653</b>
<i>CRD Water</i>	\$1,644	\$123,300
<i>School Site Acquisition</i>	\$600	\$45,000
<b>TOTAL DCC's (estimated)</b>		<b>\$532,953</b>

**LEGAL IMPLICATIONS:**

Should Council choose to proceed with consideration of Bylaw No. 2142, a Public Hearing will be scheduled in accordance with the requirements of the *Local Government Act*.

The amenity contributions specified in Table 4 above are incorporated into Bylaw No. 2142 and will be payable at the time of building permit approval along with the current Development Cost Charges specified in the various DCC Bylaws.

Council's other conditions of approval would be registered in a Section 219 Covenant in priority of all other charges on title prior to consideration of Bylaw Adoption.

**OPTIONS:**

**Option 1**

That the Sustainable Development Advisory Committee recommend that Council:

1. Proceed with consideration of First Reading of Bylaw No. 2142 to amend the zoning designation of the properties located at 820, 822, 824, and 826 Hockley Avenue from One- and Two-Family Residential (R2) to City Centre (CC1) subject to the following terms and conditions:
  - a. That the applicant provides, **as a bonus for increased density**, the following contributions per dwelling unit, **prior to the issuance of a building permit**:
    - i. \$750 towards the Affordable Housing Reserve Fund; and
    - ii. \$2,850 towards the General Amenity Reserve Fund;

Subject to reductions in accordance with the Affordable Housing and Amenity Contribution Policy and the Attainable Housing Policy depending on use and height.

- b. That the applicant provides, **prior to Bylaw Adoption**, a Section 219 covenant, registered in priority of all other charges on title, that agrees to the following:
  - i. That the following will be provided and implemented to Bylaw No. 1000 standards to the satisfaction of the Director of Engineering prior to the issuance of a building permit:
    1. Full frontage improvements, inclusive of red brick sidewalk and street parking.
    2. A storm water management plan; and
    3. A construction parking and delivery management plan.
  - ii. That the developer will connect and be responsible for any upgrades required to the services and utilities required for the development;
  - iii. That the properties be consolidated prior to issuance of a Development Permit for Form and Character;
  - iv. That no occupancy permit shall be issued until the roundabout at Peatt Road and Hockley Avenue has been completed and is operational, to the satisfaction of the Director of Engineering;
  - v. That a separate covenant be registered prior to issuance of a building permit for the

proposed residential building that ensures parking is allocated to each unit and for visitors as required by the zoning bylaw, and is not provided in exchange for compensation separate from that of a residential unit;

- vi. That all concrete used on-site will utilize ready-mix concrete that meets or exceeds the weighted average Global Warming Potential targets based on Concrete BC Baseline (average) mix data, and that prior to the issuance of a Building Permit the applicant shall provide a Type III Environmental Product Declaration that is 3rd party verified specifying the total Global Warming Potential value and confirming that the proposed development meets the requirements of Low Carbon Concrete Policy POL-0167-PLAN;
- vii. That, prior to the issuance of a Building Permit, the developer enters into a Housing Agreement with the City that requires either a minimum 10% of units constructed be rented for at least 10% below the benchmark rent for the unit type for a term not less than 25 years or that a minimum of 5% of the units constructed be directed to and sold in accordance with the terms of the Attainable Home Ownership Program Policy (POL-0166-PLAN). The developer shall identify the Attainable Units on the plans submitted for the required Development Permit application;
- viii. That all tree protection and monitoring measures outlined in the arborist report prepared by Talmack Urban Forestry Consultants Ltd, dated June 29<sup>th</sup>, 2023, shall be implemented throughout the course of construction. Tree protection fencing shall be installed prior to commencement of works, and confirmation shall be provided to the Planning Department.

AND

- 2. Authorize the Director of Planning and Subdivision to grant the following variance within the required development permit:
  - a. That Section 4.01.01 be varied to reduce the required parking from the required 1.25 spaces per residential unit to 1.2 spaces per residential unit

**OR Option 2**

That the Sustainable Development Advisory Committee recommend that Council take no action with respect to this application to rezone 820, 822, 824, and 826 Hockley Avenue under Bylaw No. 2142 until such time as the following items are addressed and reviewed by the Sustainable Development Advisory Committee:

- a. \_\_\_\_\_;
- b. \_\_\_\_\_;
- c. \_\_\_\_\_;

**SUBMITTED BY: Julia Buckingham, Planner II**

- Concurrence:** Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision
- Concurrence:** Donna Petrie, Senior Manager of Business Development and Events
- Concurrence:** Yari Nielsen, Director of Parks, Recreation and Facilities
- Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision
- Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works
- Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance
- Concurrence:** Marie Watmough, Deputy Director of Corporate Services
- Concurrence:** Braden Hutchins, Director of Corporate Services
- Concurrence:** Darren Kiedyk, Chief Administrative Officer

Appendix A – Site Map

**REZONING BYLAW AMENDMENT**  
**( Z22-0036 )**  
**820, 822, 824 & 826 Hockley Ave**



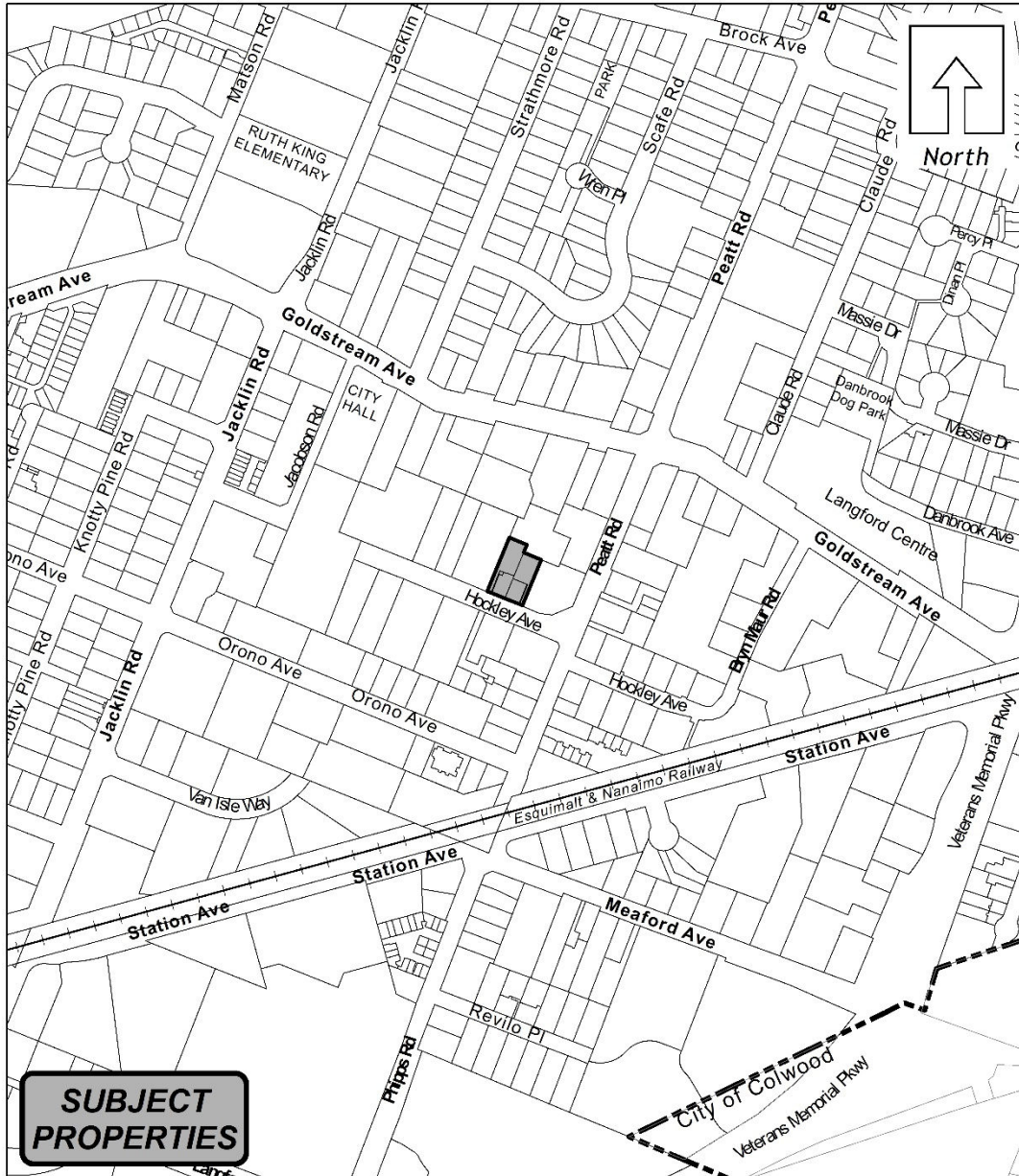
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Last Revised: 2023-06-12

Appendix B – Location Map

**REZONING BYLAW AMENDMENT  
( Z22-0036 )  
820, 822, 824 & 826 Hockley Ave**



Document Name: Z22-0036\_Location\_Map

Scale: N.T.S.

Last Revised: 2023-06-12