



# Staff Report to the Planning, Zoning and Affordable Housing Committee

**DATE:** Monday, March 28, 2022

**DEPARTMENT:** Planning

**APPLICATION NO.:** Z22-0007

**SUBJECT:** Application to Rezone 825-845 Orono Avenue from the One- and Two-Family Residential (R2) Zone to the City Centre 1 (CC1) Zone to Allow for the Development of a 6-Storey Multi-Residential Building

## PURPOSE

Paul Heron of Gordon 'n' Gordon Builders Ltd. has applied on behalf of Gordon 'n' Gordon Interiors Ltd. to rezone 825, 829, 833, and 845 Orono Avenue from the One and Two-Family Residential (R2) Zone to the City Centre 1 (CC1) Zone to allow for the development of a 6-storey residential building. The building would consist of approximately 106 residential units.

## PREVIOUS APPLICATIONS

The City has not received any previous planning applications on the subject properties.

**Table 1: Site Data**

<i>Applicant</i>	Gordon 'n' Gordon Builders Ltd.	
<i>Owner</i>	Gordon 'n' Gordon Interiors Ltd.	
<i>Civic Addresses</i>	825, 829, 833, and 845 Orono Avenue	
<i>Legal Descriptions</i>	Lots 20, 21, 22, and 23, Section 5, Esquimalt District, Plan 12186	
<i>Size of Properties</i>	3,000m <sup>2</sup> (0.7 acres)	
<i>DP Areas</i>	City Centre	
<i>Zoning Designation</i>	Existing: One- and Two-Family Residential (R2)	Proposed: City Centre 1 (CC1)
<i>OCP Designation</i>	Existing: City Centre	Proposed: City Centre

#### **SITE AND SURROUNDING AREA**

Each property contains a single-family dwelling and has some trees throughout. To the north across Orono are one- and two-family dwellings, while to the south and west are commercial businesses. There is a one-family dwelling on the property to the east, but this lot is anticipated to be the access point to the property immediately south of it, if and when it develops.

**Figure 1: Current Condition of Subject Properties**



**Table 2: Surrounding Land Uses**

	<b><i>Zoning</i></b>	<b><i>Use</i></b>
<i>North</i>	One- and Two-Family Residential (R2)	Residential
<i>East</i>	One- and Two-Family Residential (R2)	Residential
<i>South</i>	General Industrial (M2)	Commercial
<i>West</i>	General Industrial (M2)	Industrial

**Figure 2: Subject Properties**



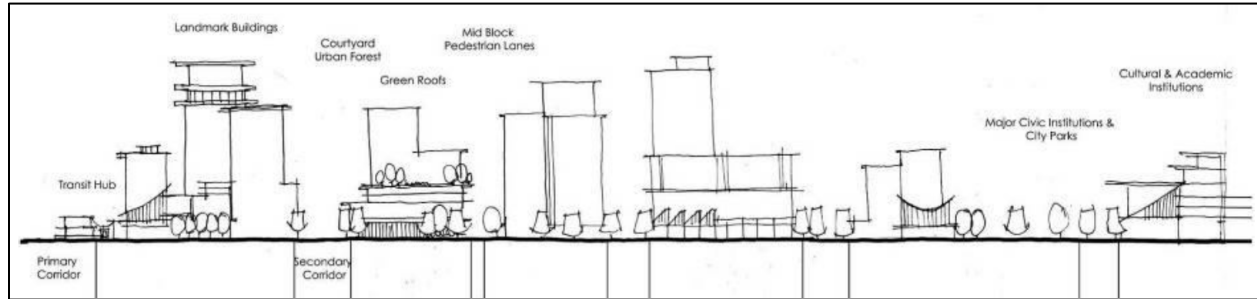
#### **OFFICIAL COMMUNITY PLAN**

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

- A major regional growth centre that supports 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 3: Concept for City Centre**



### 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 would be needed prior to issuance of a building permit to ensure the design is consistent with the City's Design Guidelines.

### DESIGN GUIDELINES

The subject properties are located within the 'S2 City Hall' of the City Centre Neighbourhoods in the Design Guidelines as outlined in Figure 4. 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.*

**Figure 4: S2 City Hall**



Further to these Neighborhood Guidelines, the subject properties were identified as being appropriate for consideration of the City Centre 1 (CC1) Zone on the City Centre Concept Map recently added to the design guidelines.

### DEVELOPMENT PROPOSAL

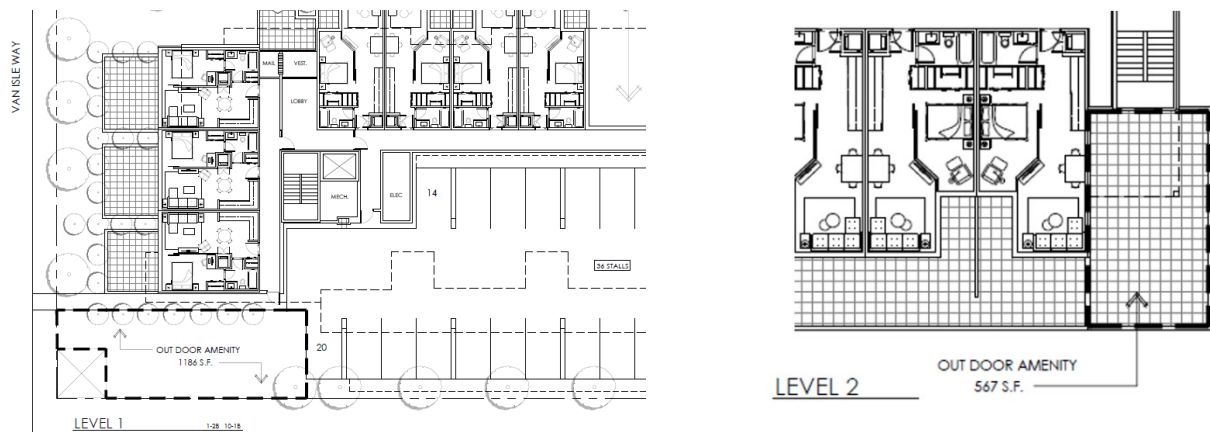
As previously noted, the applicant is proposing to rezone the subject properties to CC1 (City Centre 1) in order to construct a 6-storey residential building with approximately 106 units. Appendix A provides a rendering of what the building is intended to look like when viewing it from Orono Avenue. The design includes two driveways for vehicles; one to access the surface parking and the other to access the underground parkade.

The four properties associated with this development proposal would be consolidated into one parcel, but not at this moment. To ensure these properties are consolidated as presented with this rezoning application, Council may wish to require lot consolidation to occur prior to issuance of a Development Permit for Form and Character.

The proposed development would provide the required onsite parking between the surface parking and one level of underground parking. Ground floor units will have patios and direct pedestrian access to Orono. The units facing Van Isle Way would not have direct access to Van Isle Way as this is not a dedicated road but a statutory right of way on private property. Due to the ground level units with patios and connecting paths to Orono Avenue, the building would comply with the 80% active frontage requirement. Appendix B provides an illustration of the proposed ground floor level of the development.

The design of this building also includes the required common outdoor amenity space, which is proposed to be split between space provided for on the ground level and space within an outdoor patio located on second storey level. Figure 5 provides an outline of where these two spaces would be located.

**Figure 5: Outdoor Amenity Spaces**



With respect to attainable housing, Council has been requesting that multi-family developments participate in Langford's Attainable Housing Program. However, the owner of this project will be renting out these units to his employees at below market rates, which would assist a larger number of individuals, and ones that are not prepared to purchase a dwelling unit at this point in time. Council may view this initiative as equally beneficial as entering into the Attainable Housing Program and not ask the owner to participate in this program on top of his own initiative.

Regarding the type of units, Langford has seen a concentration of rental apartments among multi-family residential developments. In an effort to provide options for future home ownership and ensure flexibility of housing types for all residents, Council may wish to require developers to strata title the buildings prior to occupancy. Taking this step does not impede the use of the building as a rental if the applicant wishes to but ensures that a building is appropriately constructed and will not require potentially costly upgrades if strata title conversion is sought in the future. Council may wish to have the applicant register a building strata plan as a condition of rezoning prior to issuance of an occupancy permit and have this provision secured within a section 219 covenant registered on title.

To remain consistent with other multi-family developments that have recently been rezoned, Council may wish to require the onsite parking stalls be secured to each unit in accordance with the Zoning Bylaw parking requirements to ensure separate rent is not charged for a parking space. This would prevent future tenants/owners from declining to pay separately for a parking stall and choosing to park on the surrounding streets instead.

Additionally, Council may wish to require the onsite parking spaces to be equipped with infrastructure so that electric charging stations can be installed at a future date without the need of an expensive retrofit to the building. Given the future development of electric vehicles, this may be viewed as a proactive step that would allow residents of the building a wider choice of vehicles in the future.

**Table 3: Proposed Data**

	<b>Permitted by R2 (Current Zone)</b>	<b>Permitted by CC1 (Proposed Zone)</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>
<i>Density</i>	n/a	5.0 FAR
<i>Height</i>	9m (30 ft)	6-storeys

<i>Site Coverage</i>	35% max	n/a
<i>Front Yard Setback</i>	6.0 m (20 ft)	2.0m (6.6 ft) 1-2 storeys 4.0m (13 ft) 3+ storeys
<i>Interior Side Yard Setback</i>	1.5m (5.0 ft)	3.0 (9.8 ft)
<i>Exterior Side Yard Setback</i>	4.5m (15 ft)	2.0m (6.6 ft) 1-2 storeys 4.0m (13 ft) 3+ storeys
<i>Rear Yard Setback</i>	6.0m (20 ft)	3.0 (9.8 ft)
<i>Parking</i>	2 per unit + 1 per suite	1.25 per 0-2 bedrooms 2.25 per 3 + bedrooms

## FRONTAGE IMPROVEMENTS

### Orono Avenue

The applicant will be required to provide full frontage improvements along Orono Avenue in accordance with Bylaw 1000, prior to issuance of a building permit. Improvements are anticipated to include boulevard landscaping with irrigation, street lighting, and a red brick paver sidewalk. To ensure no road dedication is required in order to accommodate the frontage improvements, Council may wish to require a frontage design be submitted prior to Public Hearing, to the satisfaction of the Director of Engineering.

### Van Isle Way

This access route is located on private property with a statutory right of way registered on it that allows vehicle and pedestrian access over it. Given how Van Isle Way has been constructed, there is no additional room to request improvements along this access route with this development. Any improvements to Van Isle Way would occur at a future date with the development of the properties along the west side of this access route.

## TRAFFIC IMPACT ASSESSMENT

A Traffic Impact Assessment for this development is not required.

## SEWERS

A sewer main does exist within Orono Avenue along the frontage this site, 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.

## **DRAINAGE AND STORMWATER MANAGEMENT**

This site is located within an area where stormwater infiltration is required as per Bylaw 1000. As a condition of rezoning, Council may wish to request the applicant to examine how stormwater can be managed on-site through infiltration and have a technical memo from a qualified engineer be provided in this regard to the satisfaction of the Director of Engineering prior to public hearing. A full stormwater management plan will be required prior to issuance of a building permit.

## **FINANCIAL CONTRIBUTIONS**

Rezoning the subject property 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 required 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, Park and Amenity Contribution Policy are summarized in Table 4 below, which is based on 106 residential units.

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

<b>Amenity Item</b>	<b>Per Unit Contribution Rates*</b>	<b>Total</b>
<i>Affordable Housing Reserve Fund</i>	\$750.00	\$79,500.00
<i>General Amenity Reserve Fund</i>	\$2,850.00	\$302,100.00

**\* Note: The applicant will be charged for new units created at the time of building permit issuance and is entitled to a 50% or 75% reduction depending on the use and height for units above the 4<sup>th</sup> storey.**

## **DEVELOPMENT COST CHARGES**

The development cost charges that would apply to this development are summarized in Table 5 below.

**Table 5 - Development Cost Charges**

<b>Development Cost Charge</b>	<b>Per Unit Contribution</b>	<b>Total</b>
<i>Roads</i>	\$3,092.39	\$327,793.34
<i>Park Improvement</i>	\$1,890.00	\$200,340.00
<i>Park Acquisition</i>	\$1,100.00	\$116,600.00
<i>ISIF Fees</i>	\$331.65	\$35,154.90
<b>Subtotal (DCC's to Langford)</b>		<b>\$679,888.24</b>



<i>CRD Water</i>	\$1,644.00	\$174,264.00
<i>School Site Acquisition</i>	\$600.00	\$63,600.00
<b>TOTAL DCC's (estimated)</b>		<b>\$917,752.24</b>

**OPTIONS:**

**Option 1**

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council:

1. Proceed with consideration of 1<sup>st</sup> reading of Bylaw No. 2060 to amend the zoning designation of the properties located at 825, 829, 833, and 845 Orono Avenue from the 'One- and Two-Family Residential' (R2) Zone to the 'City Centre 1' (CC1) Zone subject to the following terms and conditions:
  - a) That the applicant provides, **as a bonus for increased density**, the following contributions per residential unit, prior to issuance of a building permit:
    - i. \$750 towards the Affordable Housing Fund; and
    - ii. \$2,850 towards the General Amenity Reserve Fund.subject to reductions in accordance with the Affordable Housing and Amenity Contribution Policy depending on use and height.
  - b) That the applicant provides, **prior to Public Hearing**, the following to the satisfaction of the Director of Engineering:
    - i. A technical memo from a qualified engineer that verifies stormwater can be adequately managed on-site for the proposed development; and
    - ii. An offsite civil plan that includes all frontage improvements to determine whether or not road dedication is required.
  - c) 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 four subject properties be consolidated prior to issuance of a Development Permit for Form and Character;
    - ii. 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;

- iii. That no occupancy permit be issued for the proposed building until a strata plan for the building has been registered, to the satisfaction of the Approving Officer;
- iv. That 100% of residential parking spaces, excluding visitor parking spaces, shall feature an energized outlet capable of providing Level 2 charging or higher to the parking space, and that:
  - 1. Energized outlets shall be labelled for the use of electric vehicle charging;
  - 2. Where an electric vehicle energy management system is implemented (load sharing), a qualified professional may specify a minimum performance standard to ensure a sufficient rate of electric vehicle charging; and
  - 3. The owner/tenant is required to keep the Electric Vehicle Servicing Equipment (EVSE) in operation and the Strata Council/landlord may not prevent an owner, occupant, or tenant from installing the EV charging equipment
- v. That the following are implemented to Bylaw 1000 standards to the satisfaction of the Director of Engineering prior to issuance of a building permit:
  - 1. Full frontage improvements;
  - 2. A storm water management plan; and
  - 3. A construction parking management plan

#### **OR Option 2**

THAT the Planning, Zoning and Affordable Housing Committee recommend that Council take no action at this time with respect to this application to rezone 825, 829, 833, and 845 Orono Avenue under Bylaw 2060.

#### **SUBMITTED BY: Robert Dykstra, MCIP, RPP Senior Planner**

**Concurrence:** Leah Stohmann, MCIP, RPP Deputy Director of Planning and Subdivision

**Concurrence:** Donna Petrie, Manager of Business Development and Events

**Concurrence:** Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

**Concurrence:** Michelle Mahovich, P.Eng, P.Geo, Director of Engineering and Public Works

**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

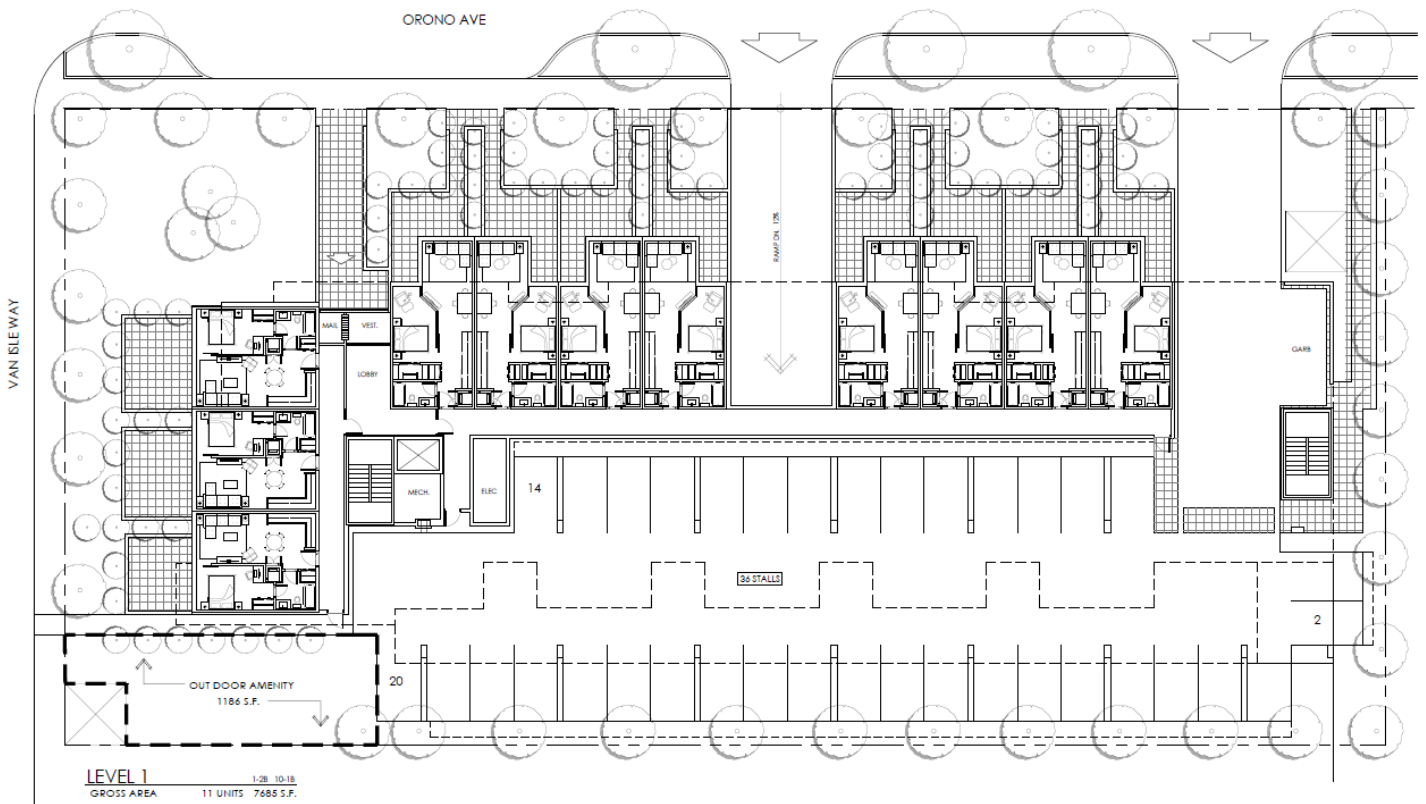
**Concurrence:** Marie Watmough, Acting Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer

**Appendix A**  
Rendering

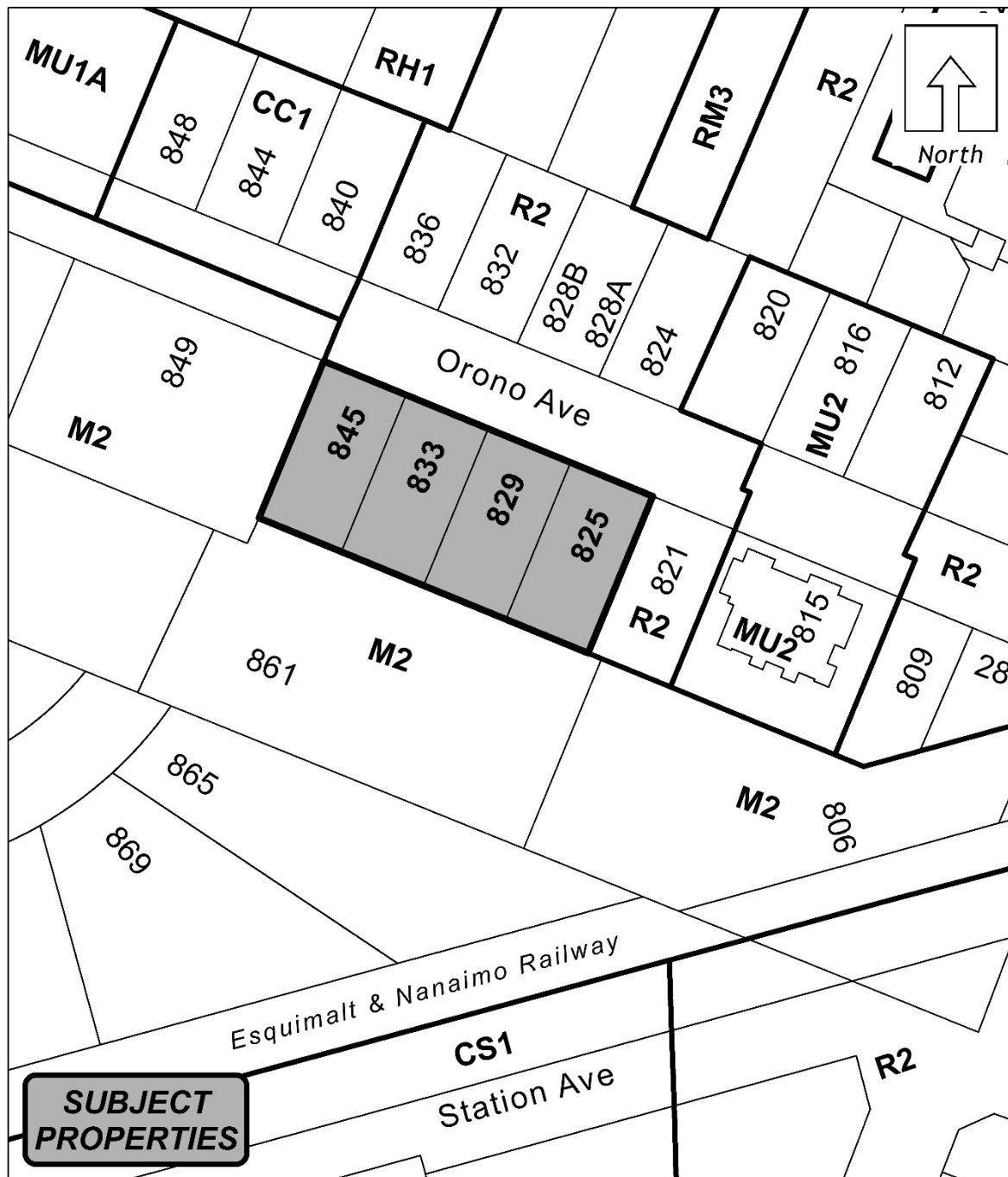


**Appendix B**  
Ground Level Site Plan



**Appendix C**  
Site Map

**REZONING BYLAW AMENDMENT**  
**( Z22-0007 )**  
**825, 829, 833 & 845 Orono Ave**



Document Name: Z22-0007\_Site\_Map

Scale: N.T.S.

Last Revised: 3/8/2022

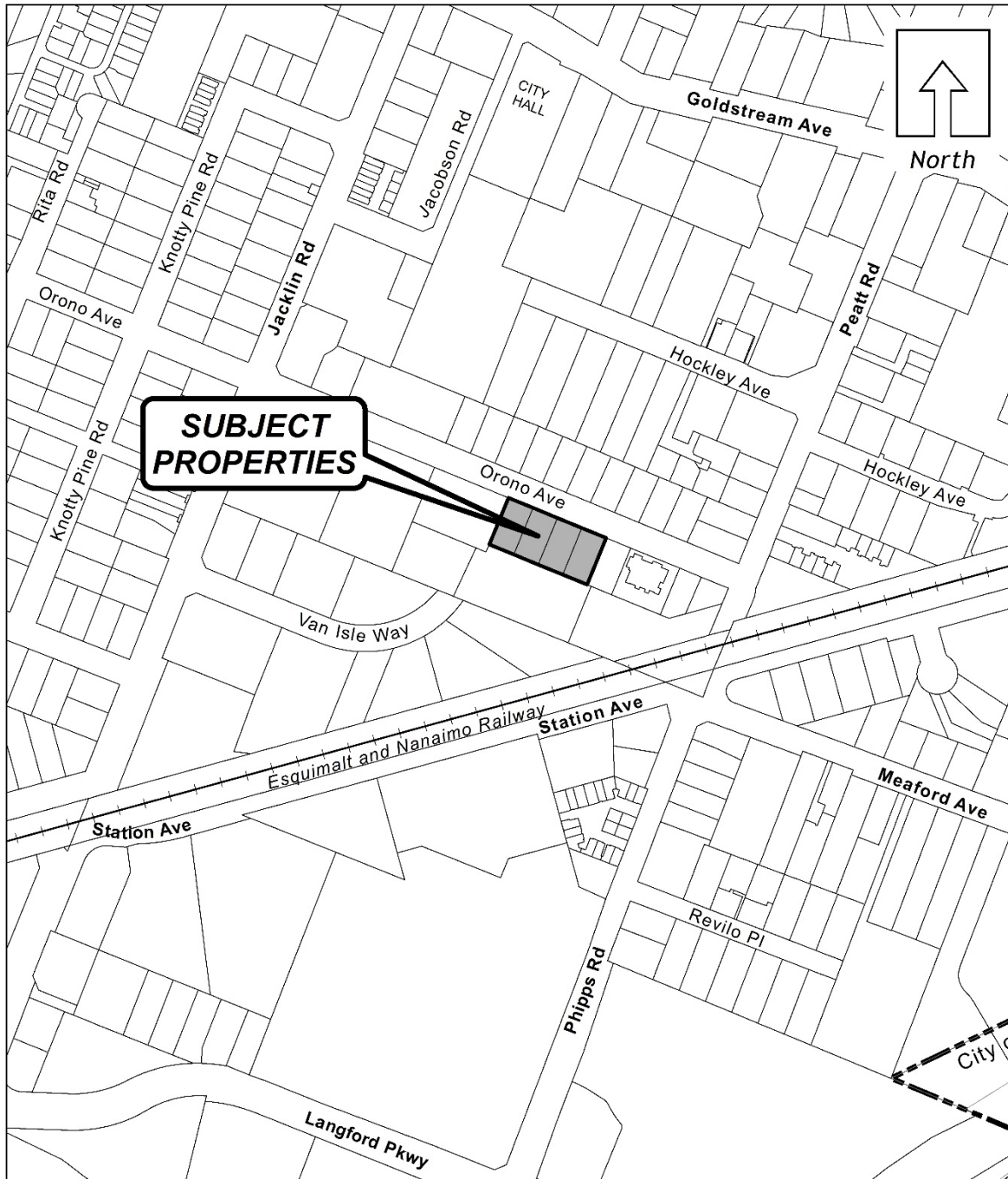
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where it all happens.



**Appendix D**  
Location Map

**REZONING BYLAW AMENDMENT**  
**( Z22-0007 )**  
**825, 829, 833 & 845 Orono Ave**

Document Name: Z22-0007\_Location\_Map



Scale: N.T.S.

Last Revised: 3/8/2022

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