



City of Colwood

REPORT

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May 10, 2006

TO: Planning and Zoning Committee
FROM: Simon Lawrence, Director of Planning

Planning and Zoning
Committee
May 16, 2006

RE: Rezoning Application RZ-05-06
(Lagoon Estates – Lagoon, Heatherbell and Seafield Roads)

SUMMARY

A rezoning and an OCP amendment are requested in order to permit a 660 multi-family residential development on a 19.2 ha (47.4 acre) site adjacent to Esquimalt Lagoon. The application is before Committee for a recommendation to Council.

OVERVIEW

Background

Application: Rezoning application RZ-05-06

Applicant: Focus Engineering (Frank Limshue)

Owners: Ridley Bros. Development Co. Ltd.
A.. M. Ridley, R. R. Ridley, H. R. Ridley, S. B. Ridley, and I. V. Ridley

Location: North of Lagoon Road, east of Heatherbell Road, south of Seafield Road and west of and adjacent to Esquimalt Lagoon

Legals: Lot 1, Section 35, Esquimalt District, Plan 23063;
Parcel G (DD 839271I), Section 35, Esquimalt District;
Parcel C (DD68251I), Section 35, Esquimalt District;
Parcel D (DD 88154I), Section 35, Esquimalt District;
Remainder of Section 35, Esquimalt District;
That Part of Section 35, Esquimalt District, Lying to the South of Parcel E (DD 104328-I) of Said Section, to the North of Parcel C (DD 68251-I) of Said Section and to the West of the Production Northerly of the Easterly Boundary of Said Parcel C.

OCP Designations: Residential and Open Space on Lagoon Local Area Plan

Proposed OCP: Text and map amendments

Current zoning: Agricultural 2 (AG2)

Proposed zoning: New comprehensive development zone

Dev. Permit Area: No. 2: Esquimalt Lagoon and Marine Shorelands

Purpose

The applicant is requesting an OCP amendment and rezoning from AG2 to a new zone in order to permit a comprehensive residential development consisting of 660 townhouse and apartment dwelling units. There would also be accessory amenity facilities such as a clubhouse, storage, etc. There would be approximately 34.3 units per hectare (13.9 units per acre).

The applicant proposed open space for possible park dedication of about one-quarter to one-third of the site, adjacent to Esquimalt Lagoon. The development would also be creating and enhancing riparian habitat for Selleck Creek. There would be an enhanced stream system running through the property with a number of ponds. Public access to the pathway system in the development portion of the site would be permitted.

Four types of multi-family buildings are proposed:

- Townhouses - maximum 2 storeys
- Low-rise apartments - from 4 to 8 storeys
- Terrace apartments - from 4 to 6 storeys
- Mid-rise apartments - maximum 12 storeys

There would be a total of 28 buildings in the development. There would be 66 townhouse units in 13 buildings, 375 low-rise and terrace units and 219 apartment units in 3 mid-rise buildings. All existing lots would be consolidated into one lot and it is proposed to be a phased strata project with one strata council. There would be four main project phases. According to the application, site coverage is 13% and the floor area ratio is 0.6. Average dwelling unit size is proposed to be between 1,070 and 2,100 square feet.

The application proposes off-street parking at 1.6 per unit. The bylaw requires 1.5 per unit plus an addition based on the size of the dwelling units. A parking study is to be submitted.

A 280-sq. m (3,000 square feet) sales centre building is proposed in the waterfront park area with access off Goldfinch Road. It is intended to be given for use as an interpretative centre (p. 6 of application report).

The application includes a general descriptive report including concept plans showing the possible location of buildings, a report entitled *Environmental and Habitat Enhancement of Lagoon Estates* prepared by Harding & SHIP Environmental Consultants Ltd., a traffic study prepared by Boulevard Transportation Group, and a stormwater management plan prepared by Focus Engineering. Other information such as a geotechnical report is anticipated.

The applicant is also in the process of preparing a development permit application to submit to the City.

The Site

The site is approximately 19.2 hectares (47.4 acres) in area and currently consists of six parcels. The site lies between primarily single family residential subdivisions to the north and south, Esquimalt Lagoon to the east and Royal Roads University to the west. The site's steepest slopes are located in the west adjacent to Lagoon and Heatherbell Roads, and the remainder of the land slopes gradually down to the Migratory Bird Sanctuary boundary and Esquimalt Lagoon in the east. Channelized Selleck Creek drains the lands near the centre of the site. The site has been likely logged early in the 20th century, then farmed, occasionally cleared and drained and now is overgrown with many invasive species. Some old growth—also known as heritage trees—remain largely in the northeast. Many wildlife species have been noted, including deer, smaller mammals, many bird species (no law-protected raptor or heron nests have been noted), aquatic animals and fish. Coho salmon have been reported in Selleck Creek in the past.

As noted in the OCP, surface and subsurface water and run-off issues are predominant in the area. The eastern area is near sea level and its high water table means it is often wet. A subsurface layer of clay contains water in a gravelly aquifer below. Aquifer water is under gravity pressure to surface as the land slopes down, and springs appear throughout the Lagoon and Royal Roads Local Areas. Both surface storm water and subsurface water may carry contaminants, e.g. from roads or failed septic systems, to the sensitive and productive shallow lagoon. Selleck Creek carries a mixture of storm and aquifer/ spring water, much of which would be filtered by on-site vegetation.

Agency Comments

17 referrals were sent; these included: 4 within the City, 5 with possible implications (School, Transit, Water, Hydro, Gas), and 3 largely for information (BCAA, ELSI, RCMP). Comments from the following 5 agencies are considered particularly important regarding conservation-related laws: Ministry of Environment (both Environmental and Water Stewardship Divisions, Water was part of Land and Water BC), Ministry of Agriculture (Integrated Land Management Bureau, was part of Land and Water BC – re: foreshore), Fisheries and Oceans Canada, Environment Canada (Wildlife Service), and the BC Archaeology Branch.

Ministry of Environment - Environmental Stewardship Division

I have reviewed the provided package of information and have the following comments. As I understand it, this is a proposal to rezone the property for a 660-unit multi-family development. Selleck Creek flows through the property, and is proposed for significant modification. I will not comment on specific aspects of this rezoning application due to the problem of sequence of events. As Selleck Creek is a fish-bearing creek, any proposals to make changes require:

- first, the creation of a detailed fish mitigation/habitat restoration plan that is 'signed off' by Federal Fisheries. The April 10/06 report by E. A. Harding is just conceptual, and would not meet the needs of an agreement to avoid a 'HADD' (Harmful Alteration, Disruption or Destruction of Fish Habitat) under the Canada Fisheries Act. This plan would include information on the exact location and design of the revised channel, its' relationship to the existing one, the determination of the needed height and species of riparian vegetation (based on the configuration of the stream including the need for future sources of coarse woody debris, not on a desire to provide unimpeded views for future residences), and other aspects;
- simultaneously or afterwards, the submission of a Section 9 Water Approval application which includes the information outlined above; and
- lastly, a Riparian Areas Assessment and RAR report based on the agreed-upon new channel, its' location and attributes including riparian vegetation.

There is a risk associated with approving any development within the 30 metre Streamside Protection and Enhancement Area (SPEA) prior to the submission of a RAR report as per the Regulation.

Ministry of Environment - Water Stewardship Division (was part of Land and Water BC)

The proposal as presented clearly involves significant work on Selleck Creek. This alteration will need Water Act authorisation, either through Licensing, or at the very least Section 9 Approval. The intended "bifurcation" is considered a diversion and will require a Water License. It must be noted that there are several Water Licenses on Selleck Creek. I attach a map indicating the locations of the licensed Points Of Diversion. You will note that the diversion points will invariably be impacted by the development, as they are located on the property, or immediately adjacent. The Water Act does specify that before any work can commence, which would interfere with licensed works, a 6 month prior notification of the work must be given. Thus it is incumbent on the proponent to contact the Water Licensee at an early date to reach an equitable arrangement.

Ministry of Agriculture - Integrated Land Management Bureau (was part of Land and Water BC)

The Ministry of Agriculture and Lands has no concerns provided the proposal is entirely on private property. This may require a Section 9 Approval under the Water Act for works in and about a stream from the Regional Water Manager, Ministry of Environment.

Fisheries and Oceans Canada

Comments not yet received.

Environment Canada (Canadian Wildlife Service)

CWS is not authorized or mandated to review local proposals that do not involve federal lands or federal money. Any comments CWS may have will be advice or suggestions only and will be funnelled through ELSI.

Archeology Branch

Subject parcel has potential to contain archeological sites protected under the Heritage Conservation Act. Proponent has hired a qualified consulting archaeologist and field studies are proceeding under Heritage Conservation Act Permit 2006-52. Provincial archaeological resource management requirements will [be] forwarded directly to the project proponent.

Fire Chief:

See attached memo.

Director of Engineering:

See attached memo.

Chief Building Inspector:

No objection.

School District 62:

No objection.

Terasen Gas:

No objection. If gas is required to site developer should contact Carrie Hermansen at 1-866-442-4456 a minimum of 30 days prior to install.

CRD Water:

Comments not yet received.

Cycling Advisory Committee – April 26, 2006 Meeting Minutes

The committee briefly reviewed a plan of the 19.2 ha (48 ac) 660 dwelling unit proposal and discussed the following issues:

- Bicycle travel on strata roads. Roads widths are not provided.
- A possible need for proposed pathways to be a width for multiple use (3-4m as per TAC) and the possible use for commuter purposes, e.g. to Royal Roads University and beyond, or for maintenance vehicles.

More time needed for the review of such a large and complex project.

Esquimalt Lagoon Stewardship Initiative (ELSI)

A letter to the applicant with comments from this multi-agency may be expected. (ELSI is not an agency or an official committee of any government but provides an opportunity for issues to receive a collective audience and for these member agencies, groups and residents to meet and discuss responses in light of each others mandates.)

Comments

The proposal presented addresses many issues, but issues remain to be settled with certainty before it can be decided if the proposed use, density and heights are appropriate. Most questions relate less to use and density than the ‘how-to’ questions. If appropriate assurances are put in place, many issues can be resolved at the development permit stage.

Current Land Designations

The site is currently zoned AG2, reflecting the fact the land was once within the Agricultural Land Reserve. (The two lots to the east of the project site remain within the ALR.) The AG2 zone allows one and two-family dwellings and agriculture. Minimum lot area for subdivision is 695-sq. m and the minimum lot area required for a two-family dwelling is 835 sq. m. In theory this could allow a development of from 172 to 195 lots with a duplex on each lot for a total of 344 to 390 dwelling units.

The easterly 100m (328 feet) of the project site is designated as part of the Esquimalt Lagoon Migratory Bird Sanctuary. This was created in 1931 in order to protect migratory birds.

The Lagoon Local Area Plan (LLAP) designations of the site are *Residential* and *Open Space*. The foreshore and Selleck Creek are designated *Open Space*. Principal permitted uses in areas designated *Residential* are one and two-family dwellings, townhouses and parks. “Applications for cluster housing and townhouses may be considered...if they are in conformity with the environmental objectives of this OCP and they assist in the implementation of its open space objectives and policies.” The limited land supply is to be used wisely, recognising the sensitivity of the environment and the need for public open space.

Environmental and open space policies call for the preparation of an environmental assessment, for a neighbourhood park and for public acquisition of the foreshore leading to the establishment of an “Esquimalt Lagoon Nature Sanctuary.”

Section 8 of the LLAP, “Transportation”, states that the residents of the Heatherbell neighbourhood have expressed concern that there is only one entrance route into their subdivision. Policy 8.1 says to “connect Anchorage Avenue through to Seafield Drive in order to provide better access to and within the Heatherbell neighbourhood.” The Structure Map (Map E-3) shows that both Anchorage Avenue and Goldfinch Road should connect with Seafield Road.

The LLAP also states in Policy 4.6 that the achievement of the goals and objectives of the Plan may require flexibility of implementing bylaws and development permits.

While the development proposal is consistent with the OCP/LLAP objective of providing public waterfront open space, amendments are required as follows:

- amend Residential Policy 3.2 to allow apartment use and comprehensive development
- delete the last paragraph of Section 8, Transportation and Policy 8.1 and delete the “Proposed Local Road” designation from Map E-1.

Environmental Feasibility

Geotechnical/hydrogeological work is a primary issue of feasibility for the site. The applicant has stated that studies have been carried out, and likely will be submitted in the second week of May. Among the main issues are aquifer containment and buildings proposed over existing stream areas (e.g. buildings 1G, 1J and 2H).

The Ministry of Environment comments need to be satisfied. Their concerns have a bearing on the extent to which the land can be developed and therefore suitable to new zone. An implementing zoning amendment would need to be able to accurately specify what type and how many units are permitted where.

As noted by the Ministry of Environment, the proposal includes Selleck Creek, which triggers environment-related legislation: the *Fisheries Act*, *Fish Protection Act*, and *Water Act*. To satisfy these laws a Riparian Area Regulation (RAR)-equivalent report is needed to define the streamside protection and enhancement area (SPEA), including appropriate riparian, shade and measures areas, and setback to “development” as defined in the regulation. The submitted report provides assurance that work can be done, but a RAR-equivalent needs to assure where certain activities can occur. This report could be provided with the development permit application, but it would be prudent to have a covenant prohibit disturbance of the lands in the meantime.

Related environmental issues of habitat are the subject of the Harding – SHIP study. Further explanation to satisfy best practices, e.g. re: nesting and ecosystem-related vegetation can be incorporated in the development permit if a measure such as a covenant is applied at the time of rezoning.

Issues related to Water Licence abandonment or amendment and works needing approval under section 9 of the Water act need to be shown as feasible, as without this the site plan concept can't be constructed.

On page 13 of the application report it notes that it is important at this time to incorporate the construction and environmental protection requirements into the timing of construction. It is important to complete the enhancement of Selleck Creek as part of the first phase of construction. As the upper two thirds of the site will likely be cleared at the same time this will required a detailed construction and drainage management plan.

Density

At a gross average of almost 34 dwellings per hectare (14 per acre) and 0.6 floor space ratio (FSR), the density proposed is probably the highest that might be expected. The OCP anticipates townhouses as the most intensive housing type but gives no indication of density. The density that is proposed is similar to a townhouse density applied across the entire site. It could be argued that it would not be valid to compare the proposal as a large part of the site can not be developed in any case under federal and provincial laws such as the *Fisheries Act* and the *Water Act*. However, in this case , the application does go a long way “...in the implementation of its [the OCP] open space objectives and policies.” A subdivision based on existing zoning would likely see a 5% maximum park dedication.

As per OCP policy, increased density is acceptable if community benefits are provided, such as special needs/ non-market housing and amenities such as that related to the Community Amenity Contribution Policy.

Land Use: Public Interest

The general concept of this large comprehensive development proposal fits with the Official Community Plan, that of considering environmentally sensitive lands (OCP policy E.3.1), but the number of units and the area of land which is suitable needs further information to be provided.

OCP Lagoon Area Environment policies state:

1. *Consider the Esquimalt Lagoon and the Royal Roads Foreshore Environmental Land Use Assessment and Hydrogeology of Esquimalt Lagoon in the preparation of community plan amendments, public works proposals, and development approvals. ...*

4. *Where lands are proposed to be developed within the Heatherbell or Anchorage neighbourhoods, the City of Colwood will require a comprehensive environmental impact assessment to be prepared unless the Municipal Engineer deems an assessment not to be necessary. Groundwater monitoring may be required in accordance with Schedule 1. Costs of the monitoring would be borne by the landowner. The assessment would identify existing and post development environmental characteristics resulting from the proposed project and should be completed by a recognized environmental authority or consulting firm. The assessment should estimate the magnitude of the changes that the development may cause. In particular, the assessment should estimate the effect that drainage and sewage disposal will have on:*
 - *watertable depth and elevation;*
 - *ground water flows in springs and seepage areas;*
 - *ground water quality in springs and seepage areas; and*
 - *water quality in Esquimalt Lagoon.*

6. *The achievement of the goals and objectives of this plan may require flexibility of implementing zoning bylaws and development permits. Therefore, Land Use Bylaws and plan policies and guidelines may be varied and supplemented in order to better comply with the goals and objectives of the Official Community Plan.*

The applicant has not provided a comprehensive environmental impact assessment, as set out in policy E.4.4, but this is also dependent on approval of the Director of Engineering. The Director of Engineering needs to be satisfied with the expected groundwater study.

Regardless of inclusion in an environmental assessment, the public interest as expressed by OCP policy is reflected in social, environmental and economic goals. Residential policies state the following:

5. *Encourage or require where appropriate the development of housing for those who are in special need by reason of age, income or disability, particularly in locations close to commercial, community and transit services. This may take the form of a density bonus, rezoning of multiple family housing sites, or the relaxation of off-street parking requirements, for example.*

12. *The following methods to increase housing affordability will be considered:*
 - *giving priority to the processing of applications which include special needs or affordable housing;*
 - *encouraging stacked or clustered attached housing design where feasible on steeper slopes;*
 - *encouraging where suitable subdivision designs which de-emphasize cul-de-sacs by including orthogonal lot and street layout and rear access;*
 - *using the affordable housing options in the Royal Bay development as an example for other developments to follow and to improve upon. Methods to achieve more options can include an affordable housing fund, zoning for amenities and affordable housing, and housing agreements; and*
 - *emphasizing the issue of affordable housing in all planning initiatives concerning housing particularly larger development proposals and new local area plans.*

The clustering aspects of the above policies are part of the proposal, but there is little indication of affordability or other aspects of housing for people with special needs. It would be expected that the proposal include adaptable housing components, as have been required for multiple-unit rezoning applications in Colwood Corners.

There could be a dedication or sale of some of the units to non-profit or for-profit providers of services to the aged. The applicant could be requested to put forward an affordable housing proposal.

Land Use: Zone Requirements (Urban Design) and OCP Changes (New DP Guidelines)

OCP objective 7.1 states:

To promote high standards of site development, architectural design, landscaping and crime prevention design for attached housing and apartments.

The proposal does not address urban design issues that are expressed through zone requirements or OCP/ DPA guidelines. There are no form and character guidelines for the site. Further consideration will be needed regarding how the zone defines the building relationships within the large privately owned site.

Pedestrian access and unit orientation to public space is very important for successful neighbourhood design in keeping with the OCP objective and policies. Zone requirements and OCP guidelines need to ensure pedestrian access to a private outdoor amenity area of all units located at grade and that this private amenity area needs to be at the front entrance of all attached housing units and the majority of apartment units.

Height of slab tower *mid-rise* buildings as proposed may have less detrimental effects than at-grade relationships, but a 8.5m height maximum until massing, shading and view studies are complete could be considered. A broader consideration, similar to the situation in Colwood Corners, is the height profile of the Lagoon and RRU local areas. What shape should the 'hills' of higher buildings take?

Access, Off-Site Improvements and Firefighting

The Fire Department has concerns at this time regarding the overall development size, the internal road network, and access to buildings, based on the information provided to date. Reference to the attached memo should be made. There will be a financial impact as additional career and volunteer staff will be needed in order to ensure a minimum response. An automatic response agreement with other area departments will be needed. Disappointment is expressed that the proposal does not embrace the OCP concept of an additional dedicated road into the Portsmouth subdivision.

The currently proposed internal road network does not include any dedicated roads, and does not provide adequate access to many of the structures. Many of the proposed building locations make the use of the Elevating fire equipment not workable.

The Fire Chief also indicates the need for a training fund for firefighters, the possible need for communications equipment on the building, the need for a study of water supply for fire flows, and the need to meet recommended practice by increasing the complement of fulltime career staff and entering into mutual aid agreements with neighbouring fire departments.

A Traffic Impact Study has been prepared and submitted by Boulevard Transportation Group. It concludes that the proposed development would generate fewer vehicle trips than development under the existing zoning. The report identified safety concerns on Lagoon road, including pedestrian safety – lack of sidewalks and crosswalks, vehicle speeds on Lagoon Road, poor intersection geometry especially at Lagoon and Heatherbell due to approach gradients and limited sight distance, and parking safety along Heatherbell. The applicant/developer should be responsible for making the recommended improvements.

Although more detailed development permit drawings are expected, more general assurances are needed prior to bylaw drafting regarding:

- strata road level of service, such as width, sidewalks and drainage methods. It is not demonstrated if strata roads provide equivalent or better service than dedicated roads. Dedicated roads could be recommended.
- sidewalk access to all ground level dwellings. Typical building face-to-building face streetscape cross sections would aid in this.
- General off-site road improvements need to be shown for all modes of transport.
- Loop roads (strata or dedicated) in addition to and replacement of some proposed strata cul-de-sacs may be required.

There is adequate sewer capacity for the project.

Park, Open Space and Improvements

As noted, a clear park dedication proposal has not been presented. “One-third” of the lands “to be gifted” is cited, but without specific details. A dedication of 6.5 ha (1/3) would include proposed housing sites, so clarification is needed. The applicant would like to control height of vegetation within this area, which may not consistent with nature preservation and likely not consistent with a habitat conservation covenant.

Gift of the open space areas to a conservation group is mentioned in the application. Habitat Acquisition Trust is one such group. Council should consider this option.

It is recognized by the Ministry of Environment and others that park creation (dedication to the local government) can provide superior protection to protection by covenant on private land.

The amount of income tax credit the developer (owner at time of park dedication and/ or conservation covenant) may gain from “ecogifting” has implications for the amount of amenities for which the City could reasonably ask. This could be clarified to create more amenities from a ‘win-win’ related to land transfer.

Public walkways are proposed through the site. It is expected that all construction and maintenance would be the responsibility of the developer and the strata council, with a statutory right of way provided for public access. A clear plan indicating routes and appropriate standards and path widths will need to be prepared in order to provide reasonable access for pedestrians and cyclists. Pathways and nature trails should be judiciously placed. Birds may be spooked if trails come too close, and they will eventually abandon the site. A smart pathway is one that has a high “hedge” of naturally occurring vegetation on both sides and obscures the walkers from the birds.

Royal Bay provides an example of covenants requiring park improvements to a specific standard by the developer need to be a requirement for park land. Uses beyond nature preserve are desirable, at a minimum walking and multi-use trails. This can be explored in a detailed landscape architect’s report for the development permit, but assurance of the magnitude of improvements should be settled before a zone is approved.

As noted earlier, it is also proposed to construct a 280 sq. m (3,000 sq. ft.) sales centre building on the waterfront area with access off Goldfinch Road. It would eventually be gifted for use as an interpretative centre (p. 6 of application report). The applicant also states that they seek assurance through covenant that the areas will be kept as natural park, that tree heights will be limited and view corridors maintained. While the first could be agreed to, the others are more problematic.

Another location for the sales centre with its associated access and parking should be considered, in order to minimize degradation of habitat and impact on the migratory bird sanctuary.

It is noted that alder trees are considered important for the birds. The alder 'cones' represent important late fall and winter food to a variety of seed eaters and especially throughout the green phase, the insects that alders support are important food for a variety of perching birds. On a human level, because alders are deciduous, they provide valuable shade during the summer and do not block what little sun there is during the winter. Conifers on the other hand provide shade/darkness all year round. It is suggested that it be tried to incorporate the inclusion of as well as to allow for the growth of alders in a variety of locations within the complex. Alders grow fast, help stop erosion and enrich the soil - they should not be eliminated. To accommodate the needs of the owners - i.e., allowing unrestricted views, the developer could incorporate a plan where alders of various ages/heights are allowed to exist with a 'selective' removal program in place. Once an alder reaches a maximum height, it is either 'topped' or removed - while permitting the subordinate trees to remain.

Private Amenity and Usable Open Space

Details of the proposed amenity/recreation space for residents should be provided, at the development permit stage if not before. This needs to be addressed in terms of access for future residents of the proposal. Shared semi-private strata amenity/ recreational space would be an asset for residents but a usable open space requirement could be decreased in light of park (with amenities such as children's play areas and adult recreational space) and statutory right-of-way dedications (east-west and north-south through the site).

Strata Plan

An aspect of this development proposal that should not be overlooked is the way it will be implemented. No lot subdivision other than lot consolidation and road and park dedications is proposed. This means there will be one very large phased strata plan. The problem with large phased stratas include dealing with the common facilities, the status of the "remainder" from time to time, the potential confusion about dates by which the owner may elect not to begin a phase, which is likely to be accentuated by the project taking a longer time to build out, and the position of the strata council which sometimes against its wishes is being enlarged by the addition of more strata lots. It would be desirable if the applicant/developer were to consider the creation of fee simple lots in order to avoid having one large strata.

Adaptable Housing Design

Clarification should be provided regarding the proposed use of adaptable housing design, given that this has been required in all other new projects for Colwood Corners.

Development Cost Charges For Roads, Water and Schools

For each dwelling unit created the owners would be required to contribute to the costs of future major roads through the City's development cost charge bylaw. The contribution would be approximately \$1,452,000, depending on the number of units. Also required would be contributions of development cost charges to the CRD Water Department and school site acquisition charges to the School District.

Amenity Contributions

This project is of such a density that amenity contributions should be provided in accordance with Policy PL-900.5. A bylaw that is drafted to implement this rezoning should therefore as a minimum include a requirement for community amenity contributions (approximately \$1,056,000) and affordable housing reserve fund contributions (\$33,000). Additional amenity contributions should be discussed by Council, staff and the developer prior to a public hearing.

Conclusion

This is an exciting development proposal for the City of Colwood. It would see a comprehensive plan adopted for one of the larger undeveloped portions of the City, one which is unique in its location and beauty. Many issues need to be discussed and resolved, however, e.g., comments from the Ministry of Environment identify the need for a detailed fish mitigation/habitat restoration plan and a riparian area assessment, and comments from the Fire Chief express concern about access, etc.

OPTIONS

Committee may:

1. Postpone the application pending submission of additional information. This could include one or more of the following:
 1. Submission of a geotechnical/hydrogeological report to the satisfaction of the Director of Engineering to determine feasibility of building sites.
 2. Submission of a development permit application.
 3. Submission of a parking study.
 4. Indication of Director of Engineering satisfaction regarding the level or need for a comprehensive environmental impact assessment as per OCP policy.
 5. Submission of a Riparian Areas Regulation (RAR)-equivalent report to determine a proposed streamside protection and enhancement area (SPEA) as described in Ministry of Environment comments, in order to assure reasonable feasibility of building areas.
 6. Submission of information regarding strata road level of service, such as driveway width, sidewalks and drainage methods (strata roads should provide equivalent or better service than dedicated roads). Typical building face-to-building face streetscape concept cross sections would aid in this.
 7. Submission of examples in best practices of development permit guidelines for buildings greater than six storeys subject to collective staff review. Multi-year construction phasing is proposed, so phased development permits in a new DP area could be considered.
 8. Submission of height massing and shadow study to determine effects of future building shapes, e.g. slab or point towers.
 9. Re-design that allows for dedication of a public road connecting Goldfinch Road with Seafield Drive in keeping with the objectives of the OCP
OR
Re-design that allows emergency vehicles a secondary route to/from the Portsmouth Road area by means of strata access routes and statutory rights of way, to the satisfaction of the Director of Engineering and Fire Chief.
 10. Submission of a detailed construction and drainage management plan.
 11. Discussion by Council, staff and the developer of possible relocation of the sales centre with its associated access and parking should be considered, in order to minimize degradation of habitat and impact on the migratory bird sanctuary.
 12. Discussion by Council, staff and the developer of appropriate amenity contributions.
 13. Discussion by Council, staff and the developer of park and open space ecogifting.
2. Recommend to Council that bylaws be prepared as outlined in the report of the Director of Planning:
 1. to amend the Official Community Plan as required to allow the proposed development and
 2. to rezone the property to a new zone with required amenities to include contribution to the community amenity fund with implementation to be reviewed by the Municipal Solicitor,and that if and when:

1. a geotechnical/hydrogeological report to the satisfaction of the Director of Engineering is submitted to determine feasibility of building sites;
2. a parking study is submitted to the satisfaction of the Directors of Engineering and Planning;
3. Director of Engineering satisfaction is indicated regarding the level or need for a comprehensive environmental impact assessment (as per OCP policy);
4. a Riparian Areas Regulation (RAR)-equivalent report to determine a proposed streamside protection and enhancement area (SPEA) as described in Ministry of Environment comments is submitted in order to assure reasonable feasibility of building areas;
5. satisfactory provision is made for compliance with the riparian area assessment;
6. a detailed construction and storm water management plan is submitted to form part of the development permit;
7. information is submitted regarding strata road level of service, such as driveway width, sidewalks and drainage methods to the satisfaction of the Director of Engineering - typical building face-to-building face streetscape concept cross sections would aid in this;
8. examples in best practices of development permit guidelines for buildings greater than six storeys are submitted for staff review. Multi-year construction phasing is proposed, so phased development permits in a new DP area could be considered;
9. a height, massing and shadow study is submitted to determine effect of future building shapes, e.g. slab or point towers;
10. options for park dedication or 'gifting' (needs to include reference to the *Income Tax Act* implications for ecogifting) are resolved;
11. a review of the water supply sufficiency for fire suppression is prepared by an independent consultant to the satisfaction of the Fire Chief prior to consideration of final rezoning approval;
12. a contribution of \$15,000 is received for training of Fire Officers prior to consideration of final rezoning approval;
13. satisfactory provision is made for a contribution by the owner/developer of \$25,000 per apartment building to be received for Crest communications together with an associated legal agreement if required by the Fire Department, amount to be paid prior to the issuance of each building permit;
14. satisfactory provision is made for all residential buildings to be sprinklered;
15. satisfactory provision is made for lot consolidation and required road widening dedications as identified by the Engineering Department comments (15m radius cul de sacs at the east end of Seafield Road and Goldfinch Road, an 8m widening of Goldfinch Road and 6m radius curves at intersections);
16. satisfactory provision is made for the improvements to Lagoon, Heatherbell and Seafield Roads as recommended in the Traffic Impact Study prepared by Boulevard Transportation Group to be constructed by the owner/developer to the satisfaction of the Director of Engineering;
17. confirmation is given by applicant of use of adaptable design standards and LEED standards, to the satisfaction of Council;
18. the applicant prepares an affordable housing proposal prior to a public hearing, to the satisfaction of Council;
19. a development permit for the project is authorized for issuance prior to final approval; and

20. re-design that allows for dedication of a public road connecting Goldfinch Road with Seafield Drive in keeping with the objective of the OCP,

OR

re-design that allows emergency vehicles a secondary route to/from the Portsmouth Road area by means of strata access routes and statutory rights of way, to the satisfaction of the Director of Engineering and Fire Department,

that further consideration be given to the bylaws to rezone and to amend the Official Community Plan.

3. Recommend to Council that the application be denied.

FINANCIAL IMPLICATIONS

The cost of appraised value for the project is estimated by the applicant to be \$350 million. (If the property were to have a similar assessed value, annual taxes would be approximately \$983,000.) The comments from the Fire Department also indicate financial implications.

RECOMMENDATION

That Committee choose Option #1 or Option #2.

Respectfully submitted,

Simon M. Lawrence, MCIP
Director of Planning

“Reviewed by the Chief Administrative Officer”

Chris Pease