

REQUEST FOR DECISION

DATE: October 28, 2015

Report No. DEV-15-055

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner

SUBJECT:

Development Permit, 519 Foster Street, PID 004-804-589 Lot A, Suburban Lot 36, Esquimalt District, Plan 12731

RECOMMENDATION:

That Council resolves that Development Permit No. DP000057, attached as Schedule A to Staff Report DEV-15-055, respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of four (4) townhouse dwelling units, detailed on architectural plans provided by T-Square Design and Consulting, stamped "Received September 4, 2015", and on the landscape plan provided by Koi Dragon Enterprises, stamped "Received October 25, 2015" and sited in accordance with the survey plan prepared by Island Land Surveying Ltd., stamped "Received September 4, 2015", **be approved, and staff be directed to issue the permit subject to receipt of the required landscape security and register the notice on the title**, of the property identified as, PID 004-804-589, Lot A, Suburban Lot 36, Esquimalt District, Plan 12731 [519 Foster Street].

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No 2050

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Parking Bylaw, 1992, No. 2011

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective..

BACKGROUND:

Purpose of the Application

This site is located within Development Permit Area No. 1 – Multi-Unit Residential; therefore a development permit is required to ensure the application meets the intent of the design guidelines contained in Section 9.3 of the Township's Official Community Plan [Schedule B].

The applicant proposes to remove the existing duplex and replace it with four new townhouse dwelling units detailed in the architectural plans provided by T-Square Design and Consulting, stamped "Received September 4, 2015" [Schedule A]. Rezoning of the subject property to CD-93 was approved by Council in July 2015 to accommodate the siting, height and massing of the proposal as presented.

The applicant must obtain a Development Permit respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of building prior to staff considering the issuance of a Building Permit.

Context

Owner/Applicant: Ryan and Aimee Jabs

Property Size: Metric: 862.2 m² Imperial: 9280.6 ft²

Existing Land Use: Two Family Residence

Surrounding Land Uses:

North: Multiple Family Residential

South: Two Family Residential

West: Multiple Family Residential/ Church [CD-23]

East: Three Family Residential [Townhouses]

Existing Zoning: CD-93 [Comprehensive Development District No. 93]

Existing OCP Designation: Single and Two Unit Residential [No change required]

Comments from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on October 14, 2015. DRC members were complimentary of the proposed building's design and strongly supported the applicants' plan to retain three mature trees in the front yard of the development. Members commented that the proposed landscaping was basic and additional effort could be made to enhance the site. DRC unanimously forwarded the application to Council with **a recommendation of approval subject to the following conditions:**

1. Enhance landscaping in the front yard – i.e. planting beds in addition to the lawn proposed under the established trees.
2. Enhanced fencing/screening on the top of the wall on the north property line and possible greening of that fence.
3. Addition of a tree or multiple trees to the landscape plan in the south east corner of the site.
4. Provision of a Lighting Plan for the site.

In response to these conditions the applicants addressed these conditions by providing an amended Landscape Plan incorporating the recommended changes as well as providing a Lighting Plan [Schedule A]. The developer also provided a letter to Council addressing the DRC concerns [Schedule D].

Comments From Other Departments

The plans for this proposal were circulated to other departments and the following comments were received by the submission deadline:

Building Inspection: Staff's preliminary review of the proposed building reveals no concerns. Building must be constructed to comply with BC Building Code 2012 and Municipal Building Code Bylaw, 2002, No. 2538. Plans will be reviewed for compliance with BC Building Code upon submission of a Building Permit.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the four townhomes proposed to be located at 519/521 Foster Street. Staff confirms that the design appears achievable on the site and that appropriate works and services are available in the immediate area. If approved, the development must be serviced in accordance with bylaw requirements including, but not limited to, new sewer and drain connections, underground hydro, telephone and cable services and new road works may be required up to the center line of Foster Street. As Foster Street is identified in the Esquimalt Sidewalk Master Plan as a street that will be upgraded, the developer would be required to install, at minimum, new curb, gutter and sidewalk across the property frontage. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a Building Permit application. Engineering staff will not require the installation of a speed bump in the rear lane serving this site.

Fire Services: Parking should remain restricted on both sides of the proposed driveway as Foster Street is very narrow at this point. Gates between individual unit rear yards is supported as they could be used for fire and rescue access.

Parks Services: Tree survey will be required for any tree proposed to be removed [attached]. All trees scheduled for protection must have tree protection fencing installed prior to the undertaking of any work on the site.

Zoning

CD-93 zoning was specifically tailored to accommodate this proposal when the rezoning bylaw was approved in July 2015. The proposed design is consistent with the form and character presented supporting the rezoning application and the building height, massing, density, siting and parking requirements satisfy all of the CD-93 zone regulations [Schedule B].

Official Community Plan Design Guidelines

This proposal is consistent with the current Land Use Designation applied to the subject property, "Townhouse Residential" and this site is located within Development Permit Area No. 1 – Multi-Unit Residential; therefore a development permit must be obtained prior to the consideration of a Building Permit.

OCP Section 9.3.5 – Guidelines for Owners of Land within the Development Permit Area [Schedule B] contains the following guidelines relevant to the consideration of this Development Permit application:

Section 9.3.5(a) states that the size and siting of buildings should reflect size and scale of adjacent development and compliment the surrounding uses. The proposed design meets or exceeds established requirements for height and side yard setbacks for townhouses and would act as a transitional building between the adjacent apartment buildings and the single and two family housing to the south.

Section 9.3.5(b) states, in part, that "new buildings should be designed and sited to minimize visual intrusion onto the privacy of surrounding homes". This four unit, three storey building is proposed to be sited 4.5 metres from the southern property line. The proposed design incorporates recessed second floor decks on the south side of the buildings that will, for at least the short term, overlook the rear yard of 513/515 Foster Street. The landscape plan proposes a combination of fencing and cedar hedging along the southern property line in an effort to improve privacy from these second floor decks, however a complete visual break will take time as the trees must mature. It is also noteworthy that the building design includes large third floor windows that serve the individual unit's master bedrooms which overlook into the adjacent rear yard from the eastern units. As these windows serve bedrooms and not primary living spaces the frequency of overlook is minimized. Shadowing to the north is not an issue as site abuts the parking area of the adjacent apartment building.

Section 9.3.5(d) states that landscaping should enhance the streetscape, screen parking areas and break up large expanses of paving. In response to neighbourhood sentiment received during the rezoning process, the applicant has adjusted the original concept landscape plan to afford the retention of three of the four large trees located in the front yard. In response to the DRC comments an irrigated planting bed has been added to the front yard and the addition of a three metre Serbian Spruce tree has been confirmed. Another change was the addition of two Maple Trees in southeast corner of the site to shade the common open space and enhance privacy. Effort has been made

to vary materials in the parking courtyard to break up the mass of hardscape and the one-way traffic flow from west to east allows the driveway access to be restricted to 3.6 metres at the front property line.

Section 9.3.5(e) Surface parking areas will be situated away from the street and be screened from view. Each unit has one dedicated indoor parking space with no accommodation for driveway parking in front of the garage. Visitor parking is provided at the rear of the site, shielded from the street by the building. Due to the site excavation required to achieve the proposed design the maneuvering aisle will be below the elevation of the street with views of the area restricted by the proposed building, existing trees, and the terrain of the boulevard located to the north of the site.

Section 9.3.5(i) states that the retention and protection of trees and natural habitat is encouraged. As noted, the applicant intends to retain three of the four large trees located in the front yard of the site. The fourth tree has been evaluated by an arborist and, as noted in the arborist report [Schedule A], is suffering from root rot therefore it will be removed.

Section 9.3.5(j) states that townhouses will be designed such that the habitable spaces of each unit abut. The proposed design is consistent with this design guideline.

Section 9.3.5(k) states that site lighting should provide personal safety without spilling light or glare onto adjacent properties. The applicant has provided a Lighting Plan, stamped "Received October 28, 2015" that addresses this guideline [Schedule A].

Section 9.3.5(l) states that garbage receptacle areas should be screened by fencing and landscaping. The proposed design incorporates a dedicated, enclosed, garbage area in the northeast corner of the property thereby addressing this design guideline.

Section 9.3.5(p)(ii) states that effort should be made to create a more aesthetic and functional design that links each project to the streetscape by placing parking areas away from the street. The proposed design will have no dedicated parking spaces visible from Foster Street.

Section 9.3.5(p)(iii) states that effort should be made to link each project to the streetscape by incorporating porches and windows that overlook the street to increase personal interaction and safety. The proposed design orients the front door of Unit #1 to face Foster Street and utilizes this entrance covered by a gabled roof line with distinct materials, to relate to the street.

ISSUES:

1. Rationale for Selected Option

The proposed building conforms to the zoning regulations and is consistent with the Design Guidelines of Development Permit Area No. 1. The Design Review Committee has recommended approval of DP000057.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

This Request for Decision has few sustainability and environmental implications. The proposed home will be efficient by virtue of modern construction techniques and the retention of the existing trees in conjunction with the addition of enhanced landscaping and new trees will improve the environment over the status quo.

5. Communication & Engagement

As this is a Development Permit application requiring no variances, the *Local Government Act* does not require notification be provided.

ALTERNATIVES:

1. That Council resolves that Development Permit No. DP000057, attached as Schedule A to Staff Report DEV-15-055, respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of four (4) townhouse dwelling units, detailed on architectural plans provided by T-Square Design and Consulting, stamped "Received September 4, 2015", and on the landscape plan provided by Koi Dragon Enterprises, stamped "Received October 25, 2015" and sited in accordance with the survey plan prepared by Island Land Surveying Ltd., stamped "Received September 4, 2015", **be approved, and staff be directed to issue the permit subject to receipt of the required landscape security and register the notice on the title**, of the property identified as, PID 004-804-589, Lot A, Suburban Lot 36, Esquimalt District, Plan 12731 [519 Foster Street].
2. Council **denies approval** of Development Permit DP000057.