

SSMUH Draft Zoning Bylaw Amendments Agenda Item

Xeniya V [REDACTED]

Mon 2024-05-13 11:28 AM

To: Bill Brown <bill.brown@esquimalt.ca>; James Davison <James.Davison@esquimalt.ca>; Council <Council@esquimalt.ca>; Xquimalt Ltd.
[REDACTED]

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Good morning Bill, James, Council.

A couple comments on today's SSMUH agenda after reviewing the bylaw draft:

Last week the province of British Columbia awarded the Standardized Housing Design bid to a Vancouver based firm <https://leckiestudio.com/>. This was an up to \$250,000 award, that would work with provincial guidelines for SSMUH and create a comprehensive catalogue of energy efficient designs for British Columbia that aim to make implementation of this infill housing easier.

If we as a municipality choose to deviate significantly from what the province envisions these SSMUH guidelines to be, we might not be able to take advantage of the designs that will be created as part of this bid.

12. Number of Principal Buildings

(b) Not more than two (2) Principal Buildings shall be located on any Parcel zoned Small Scale Multi Unit Residential (RSM-1, RSM-2 or RSM-3).

I just want to reiterate my previous point that this is a limiting factor, with no benefits. I agree with Planning's comment at the last committee meeting that building one building is more efficient than several, which is why most of these will be self-regulating, coming in as one building but having a flexibility of 'detached-style' units on larger lots should be a possibility if that is the desire of the developer/end user. Again, soon this will be the only efficient way to build 'single-family' dwellings more or less affordably.

(a) 20.5.1 Site Configuration and Placement of Parking

(iii) Side by side, up and down, or staggered unit configurations are preferred as they result in a greater number of units facing the street, less disruption of privacy, and a more equitable division of outdoor amenity areas between the units. -

This will be hard to achieve, stacked configurations are far more likely on these lots. Stacked configurations will be the only ones possible on small lots. But since this is just a 'preference' and not a requirement, then it should be workable as long as we keep an open mind.

(iv) Proposed infill housing should provide for usable, private outdoor areas on site for the residents of each dwelling unit, at grade.

A little bit hard to understand as written, I read it as 'each unit has its own private outdoor space at grade.' If so, **this is more stringent than current townhome design regulations.** Our current townhome design regulations ask for one common 6m by 6m space as a requirement. Some of these lots are going to be smaller, yet the requirements are proposed to be more stringent. **Please allow roof decks and/or decks/balconies to fulfil these requirements.** This will be a crucial bottle neck in design.

(viii) Parking areas, garages and driveways should appear as a minor component of the site when viewed from the street. The building of curving access strips and driveways helps to minimize views of large expanses of paving. The use of shared driveways and parking is encouraged.

Our current parking bylaw does not allow parking in the front of the building (before the front wall of the house) - is the intent that this provision remains in the bylaw? This would be very difficult to accommodate in SSMHU design. This is the main reason why Missing Middle dropped parking requirements - they are simply too difficult to accommodate on the small lots if not in front. Parking on your driveway in front of your house is widely accepted and allowed everywhere

in residential neighbourhoods anyways, it would be of great help to designers to allow at least up to 50% of all required parking (so max 2-3 cars for 6 units in transit areas) to be allowed to be at the front.

If Council does not like any parking in the front, then 4m front setbacks currently requested for the vast majority of lots will become even more limiting, as accommodating these two rules in combination will likely require variances.

(b) 20.5.2 Massing

(i) The fronts of the buildings should be designed to create the appearance of multiple smaller structures either by staggering the dwelling units or visually breaking up the façade with architectural detailing, while maintaining a complementary streetscape.

While I agree that staggering buildings looks better massing-wise, staggering buildings is also unfortunately counterproductive to making them more energy efficient. This is something designers are currently grappling with. Not saying one is better than the other, just pointing out that this may not be possible/desirable to every designer.

(ii) New structures, which are more than two storeys in height, should be designed so that the additional storey is partially concealed within the slope of the roof to minimize the height of the building. The use of modest dormers set into the roof is preferred on the second or third storeys.

Again, **this is more stringent than current townhome design requirements**, or current single family home or duplex design requirements. This will limit stacked configurations where the third floor is a separate unit, limiting the headroom and valuable wall space (because the roof line is cutting into headroom.) If we are okay with three storey townhomes and duplexes, and single family homes, we should be okay with three storey houseplexes? This is where we need more flexibility, not less because so much of the site is taken up by drive aisles, and parking, and private decks for 3-6 units.

(c) 20.5.3 Materials and Design

Rooflines of new development should complement existing residential buildings in the immediate area by avoiding having large one-dimensional, unbroken sloped roof areas facing the street. **Are flat roofed buildings discouraged then?**

(iii) To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas, and prominent front doors is encouraged. **This will require smaller front setbacks, 4m front setbacks proposed in bylaw will be prohibitive to covered porches because there will be no room for them (i.e the rest of the lot will have to be taken up by the building if 4m setbacks are requested.)**

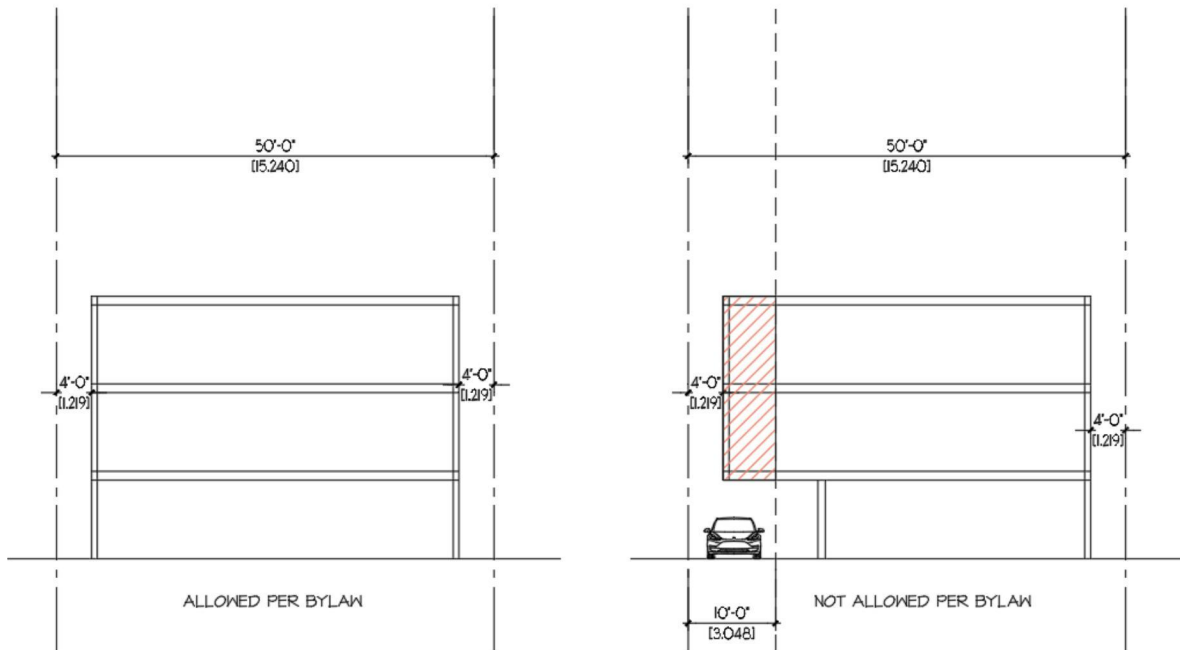
SMALL SCALE MULTI UNIT HOUSING ZONE (SMALL LOT) [RSM-1]

(11) Siting Requirements (a) Front Setback: No Building shall be located within 2.0 metres of a Front Lot Line. (b) Side Setback: No Building shall be located within 1.2 metres of a Side Lot Line. In the case where Rear Yard parking is accessed from the Front Yard, no Building shall be located within 3.0 metres of the Side Lot Line within the portion of the Side Yard used to access the Rear Yard.

4.5m rear setback will be prohibitive, and a major deviation from province-suggested 1.5m.

In the case where Rear Yard parking is accessed from the Front Yard, no Building shall be located within 3.0 metres of the Side Lot Line within the portion of the Side Yard used to access the Rear Yard. - Planning, please consider removing this requirement because the driving aisle can be overhung on the second floor (i.e drive aisle could happen on the ground floor while building could encroach into 3m on the second and third floors.) There could also be a situation where the drive aisle would need to enter in the middle (but also from the front) and not on the side, so please just consider leaving it as 1.2m. This will self-regulate anyways, if the designer chooses to put a drive aisle on one side, then the setback will become 3m by default ('effective' setback.)

Basically, if condition on the left is allowed, then condition on the right should also be allowed (since 1.2m is allowed for buildings without parking in the back.)



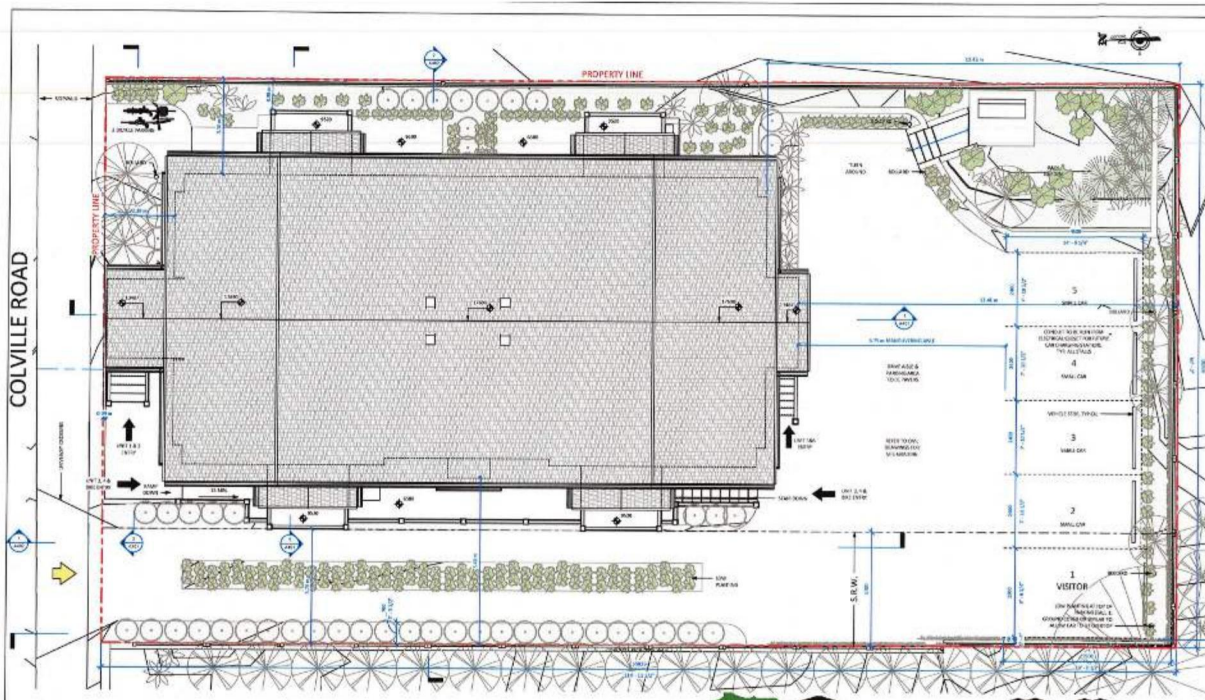
SMALL SCALE MULTI UNIT HOUSING ZONE (MEDIUM LOT) [RSM-2]

This section will apply to a vast majority of all qualified lots in Esquimalt.

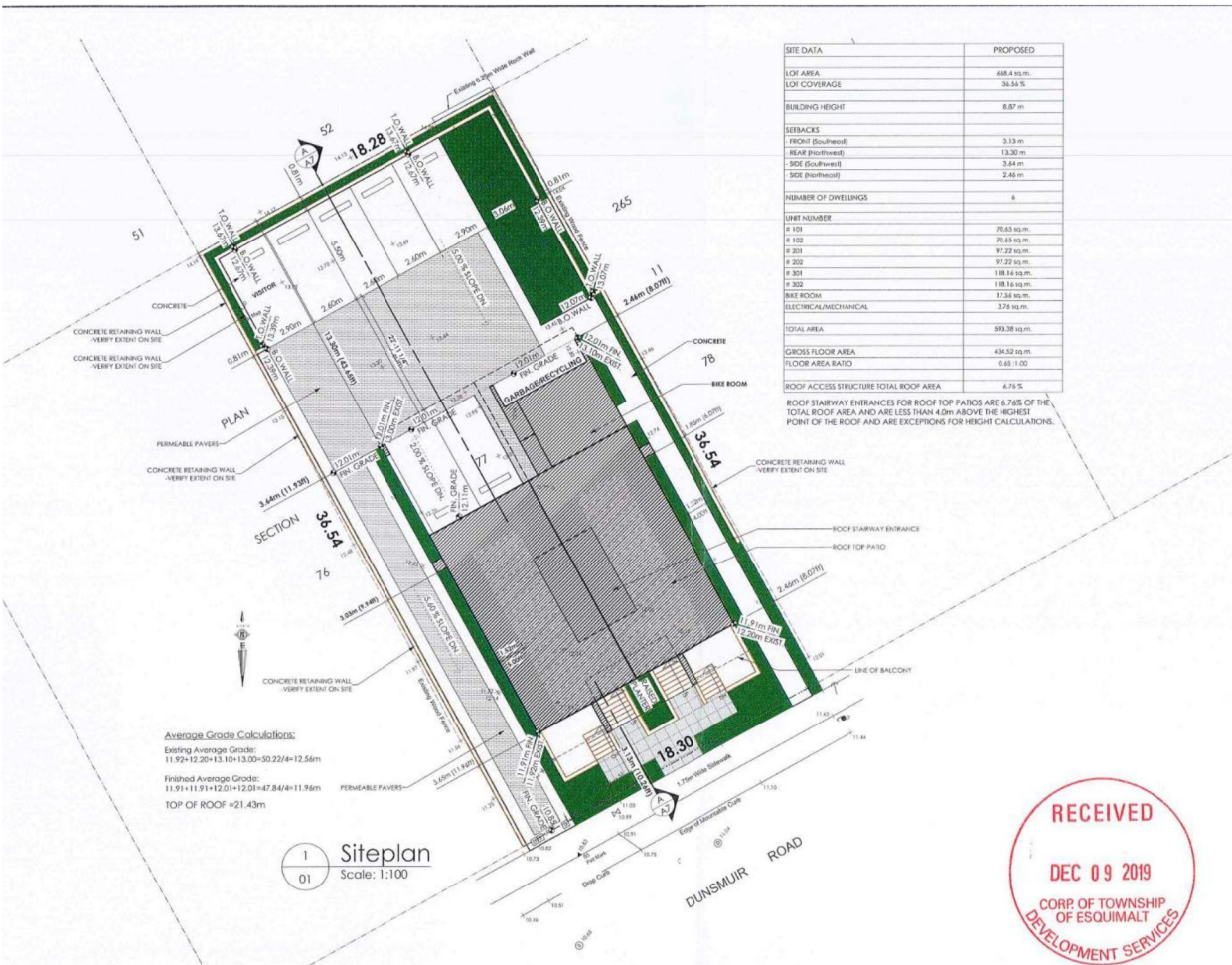
4m front setback and 4.5m rear setback - very prohibitive when combined together, and a major deviation from province-suggested 1.5m for rear and 2m for front.

937 Colville by Ryan Jabs is a prime recent example of what most of these houseplexes will look like. That building would not be possible if a 4m setback was an expectation. Or if a private outdoor area for each unit **at grade** was an expectation. Right now every project that comes in looking like this will require variances. Will this need to go to Council then?

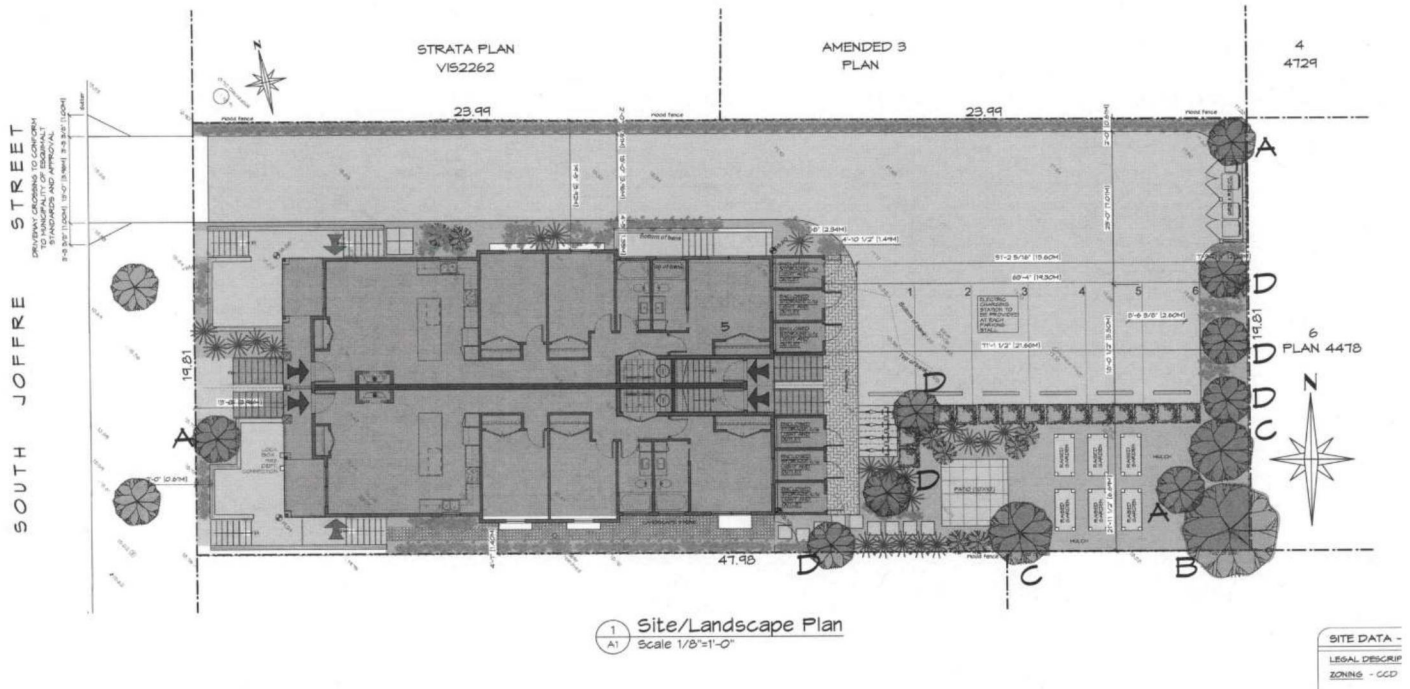




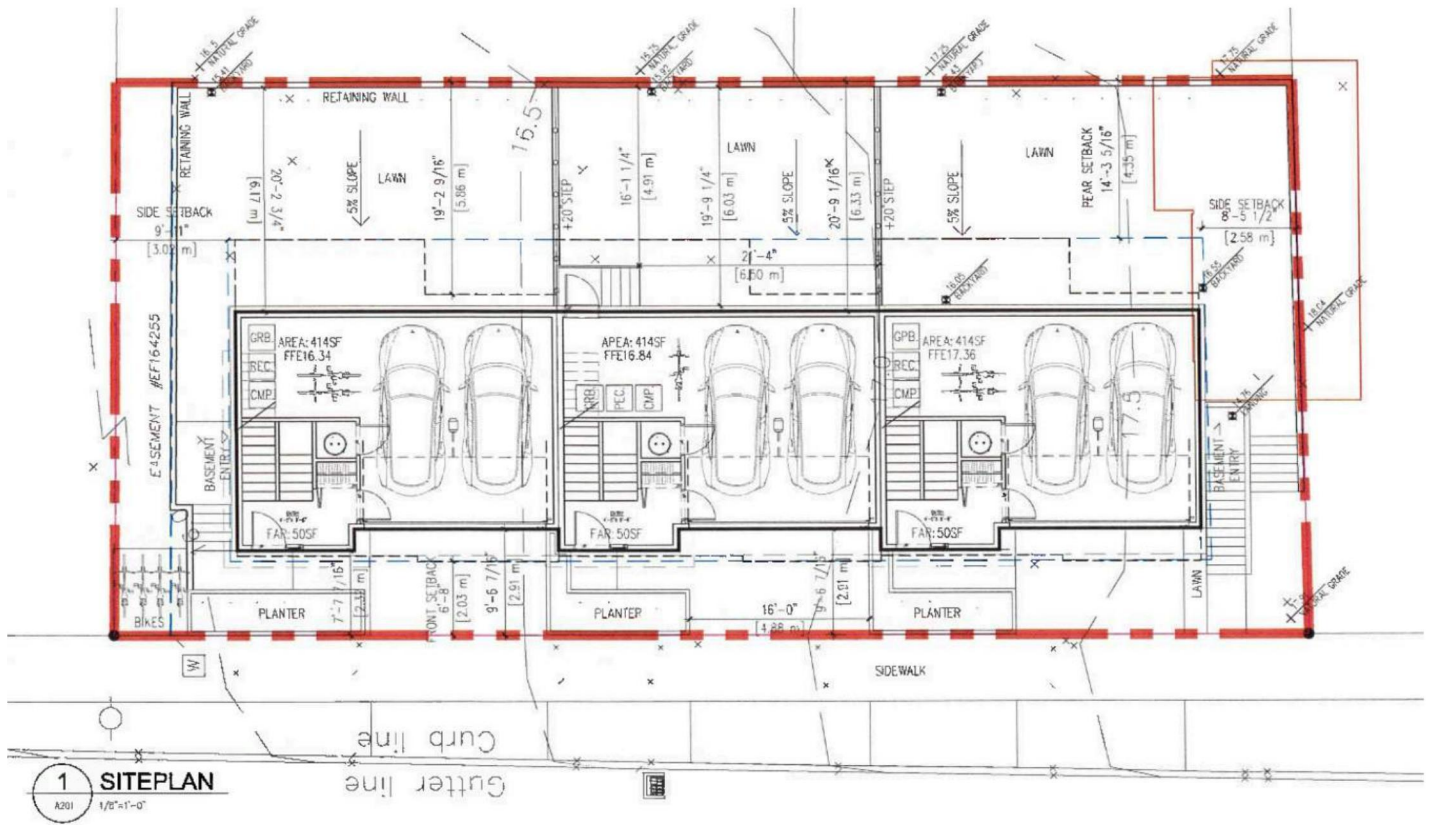
Another example is **876 Dunsmuir - 4 plex**, also would not be possible if 4m setback was an expectation (or private outdoor space at grade.)



485 Joffre St. Same points as above. This one almost gets the 4m front setback (not quite) but this is also a longer than typical lot, at 160' instead of typical 110'-125' - so they have 35'-50' extra feet to play with, and still they dont propose 4m.



633 Nelson street - same as above. Though a little bit of an atypical lot/condition for Esquimalt, I would like to bring it up as an example for Council to consider walking it to get a sense of exactly what 2m front setback would feel like. Unfortunately we were not allowed to plant more trees in that boulevard, and the existing tree that we worked so hard to save was recently chopped down without warning by BC Hydro - but typically opportunities would be there to plant trees in the boulevard, and something we should 100% ask for from all new developments.



SMALL SCALE MULTI UNIT HOUSING ZONE (TRANSIT LOT) [RSM-3]

The intent of this Zone is to accommodate **four-unit** Small Scale Multi Unit Housing on individual Parcels of land. - I think this is a typo, as the bylaw goes on to say that **six** units are allowed.

Thank you for your consideration, and see you all tonight!

Xeniya

SSMHU bylaw - design guidelines

Ryan Jabs [REDACTED]

Wed 2024-05-15 10:21 AM

To: James Davison <James.Davison@esquimalt.ca>; Bill Brown <bill.brown@esquimalt.ca>

Cc: Council <Council@esquimalt.ca>

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Hi James and Bill (and CC to council for context),

I want to start by thanking you for all the work you've done to comply with the provincial legislation. It's obviously a ton of work juggling municipal goals and meeting the provincial laws and a number of grey areas that you're navigating (as evidenced by Monday's discussion on sixplexes). I haven't commented to this point, but I wanted to provide a bit of feedback as you're finalizing the proposed bylaw. Specifically, I believe there are a number of issues with including design requirements in the bylaw.

I am always wary of design guidelines or requirements, as they are typically subjective and usually depend on the interpretation of the individual planner, who is assigned to the project. In many municipalities, design guidelines and requirements have been written to stop housing – or at the very least delay it – intentionally or not, which is why the province included this on page 35 of the policy manual:

2. Density / intensity

There are a number of “levers” that local governments have to regulate the size and number of units that can be developed on a parcel of land. Each lever has benefits and drawbacks, and the SSMUH legislation and this corresponding policy manual propose a unique suite of them to achieve more housing in BC communities. Local governments should not use any levers in zoning or design guidelines for the purpose of unreasonably restricting or prohibiting the intent of the SSMUH legislation.

And this on page 48:

As outlined through the examples of common DPA guidelines on the next page, local governments can use zoning bylaw regulations to manage what are commonly viewed as the most significant elements of a development. Rather than attempting to also manage the form and character of SSMUH development through rules, local governments could also consider producing a set of voluntary, non-regulatory design guidelines that capture good practices in SSMUH development.

As I read Esquimalt's proposed bylaw, I'm not sure whether I could make a houseplex work with all of the conflicting requirements for parking, open space, private space, overlook, privacy, window placement, roof line variation, setbacks, etc – and I'm certain I couldn't propose a building under those design requirements that could be built to a net zero standard, which the province will require by 2032. Even if they are considered voluntarily, the guidelines in the bylaw will unreasonably restrict the intent of the SSMUH legislation by creating uncertainty amongst potential builders who interpret them like me.

At minimum, the use of the term “should” or “shall” should be removed from the guidelines as Esquimalt planning has, in the past, interpreted “should/shalls” in the Official Community Plan as musts, and it led to a poorer outcome, a slightly delayed project and added a fair amount of additional design costs. As an

example, my Colville sixplex had initially been designed to have the bike room in the middle of the building, buffering the two homes on the first floor. However, the OCP says this (as design guidelines written at the time didn't imagine a stacked townhouse):

10. Townhouses will be designed such that the habitable space of one dwelling unit abuts the habitable space of another unit and the common wall overlap between adjoining dwellings shall be at least 50 percent.

Planning interpreted the "shall" as a must and forced me to redesign the lower level to move the bike room into the corner of the building and put a bedroom wall of one of the lower units against the living room wall of another home in order to meet the 50 % requirement. It was a worse design for livability, structurally and it added costs and delays to my project. This may no longer be planning's interpretation of shalls/shoulds but planners change over time and requirements that are subjective or open to interpretation create issues with building housing. And as noted above, the design guidelines in the proposed bylaw, taken together, won't allow much or anything to be built.

Finally, I think it's important to note that the other issue with these design guidelines is that they'll significantly restrict a building's footprint beyond the intent of the provincial legislation, which will reduce or eliminate family-sized homes in these buildings – which ultimately is one of the goals of the Township and in allowing townhouses to be built more easily and more quickly.

I know this task isn't easy, and many of the guidelines seek to reduce conflict and improve residents' experience, so I submit these comments for consideration and understand that you are under a time crunch to get a bylaw in place by the end of June.

Feel free to give me a call or send me an email if you'd like to discuss.

Thank you,

Ryan Jabs | President, Community Builder
Lapis Homes | [REDACTED]

