



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:20-444

REQUEST FOR DECISION

DATE: September 17, 2020

Report No. APC-20-012

TO: Chair and Members of the Advisory Planning Commission; Design Review Committee

FROM: Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services

SUBJECT:

Rezoning Application - 1253 Lyall Street [PID: 000-158-992, Lot 6, Block A, Suburban Lot 49, Esquimalt District , Plan 772]

RECOMMENDATION:

The Esquimalt Advisory Planning Commission recommends that the application for rezoning, which would facilitate the future subdivision of the subject property and the construction of an additional house to the south of the existing dwelling, as sited in accordance with the BCLS Site Plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received August 10, 2020", and incorporating the height and massing consistent with the architectural plans prepared by Hartmann's Drafting and Design, stamped "Received August 10, 2020" be forwarded to Council with a recommendation to either **approve, approve with conditions, or deny the application; including reasons for the chosen recommendation.**

RELEVANT POLICY:

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

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

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

STRATEGIC RELEVANCE:

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

BACKGROUND:

Appendix A: Architectural drawings, BCLS Site Plan

Appendix B: Subject Property, Airphoto, OCP Designation, Zoning, and RS-1 zone

Appendix C: APC Presentation Material - Arias

PURPOSE OF APPLICATION:

The applicant is requesting a change in zoning from Two Family/Single Family Residential [RD-3] to a Comprehensive Development District, to facilitate the future subdivision of the lot and the construction of a new house to the south of the existing principal dwelling. The Esquimalt Official Community Plan Bylaw, 2018, No. 2922 [OCP] 'Present' land use designation for this property is Low Density Residential and the 'Proposed' land use designation is also Low Density Residential.

This site is also located within the following OCP Development Permit Areas [DPA]: No. 1 - Natural Environment, DPA No. 3 - Enhanced Design Control Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction, and No. 8 - Water Conservation. If the rezoning application is approved by Council then, a Development Permit would be required to ensure that the application is generally consistent with the Development Permit Area guidelines, before a building permit could be issued for the construction of a structure.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed uses, height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, parking, how the building relates to adjacent and surrounding sites and whether the proposal is generally appropriate and consistent with the overall direction contained within the Official Community Plan.

CONTEXT:

Applicant: Daniel Arias

Owner: Daniel Arias

Designer: Hartmann's Drafting and Design

Property Size: 668 sqm

OCP Land Use Designation:

Current: Low Density Residential

Proposed: Low Density Residential

Zone: Two Family/ Single Family Residential [RD-3]

Existing Land Use: Single Family Residential

Proposed Land Use: Single Family Residential

Surrounding Land Uses:

North: Two Family Residential

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

OCP ANALYSIS:

The proposed development of a subdivision of the existing lot to accommodate an additional single family dwelling is consistent with both the OCP 'Present' Land Use Designation and 'Proposed' Land Use Designation of 'Low Density Residential'.

The following OCP objectives and policies are considered in the evaluation of this proposal.

OCP Section 5.1 General: Anticipated Housing Needs in the Next Five Years

Objective: Support expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character.

- Policy: Support the development of a variety of housing types and designs to meet the anticipated housing needs of residents. This may include non-market and market housing options that are designed to accommodate young and multi-generational families, the local workforce, as well as middle and high income households.
- Policy - Support the inclusion of secondary suites within present and proposed low density residential land use designated areas.
- Policy - Support the inclusion of detached accessory dwelling units on appropriate low density residential land use designated areas where only one principal dwelling unit exists.
- Policy - Support the development of a variety of housing types and designs to meet the anticipated housing needs of residents. This may include non-market and market housing options that are designed to accommodate young and multi-generational families, the local workforce, as well as middle and high income households.
- Policy - Encourage the development of rental accommodation designed for a variety of demographic household types, including young families.

5.2 Low Density Residential Redevelopment

OBJECTIVE: Strive for redevelopment and infill development that improves and enhances the appearance and livability of neighbourhoods and the community as a whole.

- Policy - Proposed redevelopment or infill within present low density residential land use designated areas should be built to high quality design and landscaping standards and respond sensitively to existing neighbourhood amenities.
- Policy - Consider the inclusion of secondary suites in infill developments where it is demonstrated that neighbourhood impacts can be mitigated.

5.4 Affordable Housing

OBJECTIVE: To encourage a range of housing by type, tenure and price so that people of all ages, household types, abilities and incomes have a diversity of housing choice in Esquimalt.

- Policy - Encourage the provision of missing middle housing types such as two-unit dwellings (duplexes), townhouses and small lot infill as one avenue to address housing affordability.

Development Permit Guidelines

Though the Development Permit is not being considered at this time many of the DP guidelines require that the zoning issues (useable open space, lot coverage, height, density, massing, siting,

setbacks, parking, how the building relates to adjacent homes) and natural area / tree protection be considered in order to be able to fulfill the guidelines.

This site is currently in the following Development Permit Areas:

- Development Permit Area No. 1 - Natural Environment
- Development Permit Area No. 3 - Enhanced Design Control Residential
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction
- Development Permit Area No. 8 - Water Conservation

As the applicant is proposing to build to the 'Low Density Residential' OCP Land Use Designation with a single-unit infill development, therefore, the Single-unit Infill Housing guidelines are presented here.

DPA No. 3 Enhanced Design Control Residential - is designated to establish objectives for the form and character of intensive residential development.

20.6 Guidelines - Single-unit Infill Housing

20.6.1 Relationship to Existing Houses

- Where an existing single-unit residence is to be retained and a second residence placed on the parcel, the existing dwelling is to be upgraded and made to be complementary with the new construction.
- Where new infill single houses are proposed, the design of the new houses should be complementary in scale, size, exterior finishes, rooflines, and colours to the predominant styles of housing in the neighbourhood. It is important to ensure that the new construction fits with the overall scale and character of existing houses. The intent of this guideline is not to encourage the replication or imitation of surrounding buildings but rather the design of structures that complement the streetscape.

20.6.2 Massing

- New structures should be designed so that the overall massing is in keeping with other single-unit residences in the immediate area. New structures for lots other than corner or double frontage lots should be limited to one and one half storeys.
- New structures, which are two storeys in height, should be designed so that the second storey is partially concealed within the slope of the roof to minimize the height of the building. The use of dormers set into the roof is preferred to a flat roof or a peaked roof set over the second storey.

20.6.3 Privacy/Screening/Shadowing

- Proposed infill dwellings should have only a minimal impact on adjacent homes and be separated from neighbouring residences by vegetation, screening, natural elevation differences, or a combination of these features.
- Windows, decks and patios should be located so as to minimize intrusion on to the privacy of adjacent properties.
- Infill dwellings should be sited to minimize the casting of shadows on to the private outdoor space of adjacent residential dwellings.

20.6.4 Landscaping

- Retention and protection of trees and the natural habitat is encouraged wherever possible.

20.6.5 Private Open/Yard Space

- Any proposal for single-unit infill housing should provide for usable, private outdoor areas for each dwelling, at grade.

OCP Section 18 Development Permit Area No. 1 - Natural Environment - is designated for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

18.5.2 Natural Features - Natural features and areas to be preserved, protected, restored, and enhanced where feasible:

- Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.
- Preservation of natural topography is favoured over blasting or building of retaining walls.
- Narrower manoeuvring aisles, fewer and smaller parking spaces can be considered where natural areas are being conserved.

18.5.3 Biodiversity - Landscaping features that will protect restore and enhance biodiversity. Where feasible:

- In residential locations plan for 'nature out front'; for new landscaping in front and exterior side yards use a variety of site-appropriate, native species; thereby contributing positively to pedestrian friendly urban streets, future greenways and habitat enhanced corridors.

18.5.5 Drainage and Erosion - Measures to control drainage and shoreline erosion.

Where it is reasonable:

- Preserve, restore and enhance treed areas. Trees are the most effective form of absorbent landscaping due to their extensive root zones and their ability to both absorb water from the soil and intercept precipitation on leaves, needles and branches. Consider that native conifers are well adapted to local wet winters.
- Reduce the impact of surges in stormwater on shorelines by designing on-site stormwater retention systems to contain the first 3 centimetres [1.25 inches] of precipitation on site, per precipitation event; and incorporating rainwater collection systems into roof design and landscaping.
- Maximize the ratio of planted and pervious surfaces to unplanted surfaces, and design paved areas to direct water towards vegetated areas, to help reduce surface run off. Where paved surfaces are needed, intersperse with drought resistant vegetation and trees, to help absorb stormwater, provide shade and reduce the local heat island effect.

OCP Section 24 - Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction - is designated for the purposes of energy conservation and greenhouse gas reduction.

24.5.1 Siting of buildings and structures. - Where it is feasible:

- Orient buildings to take advantage of site specific climate conditions, in terms of solar access and wind flow; design massing and solar orientation for optimum passive performance.
- Build new developments compactly, considering the solar penetration and passive

performance provided for neighbouring sites, and avoid shading adjacent usable outdoor open spaces.

- Strategically site buildings to sustain and increase the community's urban forest tree canopy cover.
- Provide space for significant landscaping including varying heights of trees, shrubs and ground covers.

24.5.2 Form and exterior design of buildings and structures. - Where it is feasible:

- Orient larger roof surfaces to the south for potential use of solar panels or photo-voltaic roofing.
- Use roof designs that reduce heat transfer into neighbouring buildings, helping reduce the local heat island effect and the need for cooling of buildings in warmer months.
- Use roof over-hangs, fixed-fins or other solar shading devices on south and west facing windows to reduce peak summer heat gain while enabling sunlight penetration in winter months.

24.5.3 Landscaping - Where it is feasible:

- Develop a front yard landscape design that is natural and delightful so residents do not need to leave the neighbourhood to experience nature.
- Choose open space and landscaping over dedicating space to the parking and manoeuvring of private motor vehicles.
- Conserve native trees, shrubs and soils, thereby saving the cost of importing materials and preserving already sequestered carbon dioxide.

24.5.5 Special Features - Where it is feasible:

- Reuse of existing buildings and building materials is encouraged.

OCP Section 25 - Development Permit Area No. 8 - Water Conservation - is designated for the purpose of water conservation.

25.5.3 Landscaping - Retaining Stormwater on Site (absorbent landscaping) - Where it is feasible:

- Preserve and restore treed areas. Trees are the most effective form of absorbent landscaping due to their extensive root zones and their ability to both absorb water from the soil and intercept precipitation on leaves, needles and branches. Consider that native conifers are well adapted to local wet winters.
- Avoid disturbing, compacting and removing areas of natural soil, as these are naturally absorbent areas.

ZONING ANALYSIS:

The subject property meets the minimum lot size for a Two Family Residential lot and the current zoning allows either a duplex or a single family residence, possibly including a secondary suite. The applicant is proposing to build a modest 3 bedroom, 2.5 bathroom house on the south portion of the current lot while also committing to remove the current addition to the south wall of the existing home and repairing and improving this wall as part of a refurbishment of the entire exterior of the existing house. The proposal does not include secondary suites and the applicant has voluntarily offered a covenant to assure Council that there would be no more than the two dwellings at this location in the

future.

The proposed Comprehensive Development District zone would contain the following uses: single family residential, home occupation, boarding, and urban hens.

F.A.R., Lot Coverage, Siting, Setbacks, etc.: The following chart compares the requirements of the Single Family Residential Zone [RS-1] with the proposal.

	RS-1 (Single Family Residential)	Proposed CD Zone (Two Infill Single Family Houses) Current Lot Area = 668 m ² Average FAR = 0.35	
		Lot A [North]	Lot B [South]
Minimum Parcel Size	530 m ²	403 m ²	263 m ²
Floor Area Ratio	0.35	0.43	0.25
Lot Coverage	30%	26 %	28 %
Setbacks			
• Front	7.5 m	6.8 m	5.5 m
• Rear	7.5 m	2.5 m (1.6 m to rear stairs)	5.0 m (4.1 m to basement stairs)
• Interior Side	3.0 m/1.5 m	1.15 m	2.0 m / 3.0 m
• Exterior Side	3.6 m	5.9 m	N/A
Building Height	7.3 m	8.2 m	6.6 m
Off Street Parking	1 space	1 space	1 space

Floor Area Ratio [FAR] measures the size of a building (or for all buildings on a lot) as a ratio to the size of the lot on which the building(s) sit. The proposed *average* FAR for this development is 0.35 which is consistent with the 0.35 generally permitted in single family zones.

The existing house (after subdivision) would have a FAR of 0.43. This is notably higher than many infill projects in the Township and exceeds the 0.35 FAR permitted in the RS-1 zone (when building a single family home in the RD-3 zone the RS-1 zoning regulations apply). The FAR for the existing home exceeds the RS-1 zone standard based solely on the technical approach to calculating Floor Area Ratio. Due to the nature of construction of this historic home, the two upper floors and a substantial portion of the basement are counted as Floor Area. If the basement of the home had been dug into the ground slightly more, all the floor area associated with the lowest floor would not be counted in the FAR calculation which would result in an FAR of 0.35, consistent with the RS-1 zone.

The proposed south lot is 263 sqm in area as a direct result of the position of the existing home on the current lot and the need to allow reasonable setbacks for both the existing home and the proposed dwelling. With few exceptions, infill lots in Esquimalt have an area equal to or greater than 300 sqm making this parcel notably smaller than the majority approved to date. In recognition of the high density proposed for the north lot and in response to the smaller lot size of the south lot, the applicant has proposed a new home that is modest in scale and size, consistent with the parcel on which it would be placed. The proposed home would have a FAR of 0.25, substantially less than the 0.35 permitted in the RS-1 zone.

PARKING ANALYSIS:

Parking Bylaw 1992, No. 2011 requires one parking space per dwelling unit, and that in residential zones the parking spaces shall be located no closer to the front lot line than the front face of the principal building. The plans show one parking space behind the front face of the principal building for each lot.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): No concerns. Project will be subject to review for current BC Building Code and municipal bylaw compliance at the time of a Building Permit application.

Engineering Services: Engineering staff have completed a preliminary evaluation of the Works and Services that would be required for the proposed development. The preliminary review reveals that the subject property is only connected to the municipal sewer system with the properties storm water draining into the yard. A complete suite of new services would be required for each lot should this application be approved.

Parks: Tree cutting permits are required for all trees that may be removed. Tree protection fencing will need to be erected at the dripline for all trees being retained and possibly for the neighbours trees. Suggesting adding trees to the proposed landscaping to offset any trees removed as part of construction of the project.

Fire Services: No concerns.

Development Services: The existing home, constructed in 1910, predates the Township and no original plans are available for this building. It is not currently Heritage Designated, nor is it included on the Community Heritage Register, however, it is an identified heritage asset with notable heritage value. As part of this application, the applicant has indicated a willingness to add the home to the Community Heritage Register and has voluntarily offered to approve covenant terms adding heritage protection to the building in lieu of pursuing Heritage Designation.

ISSUES:

1. Rationale for Selected Option

This proposal complies with both the Present Land Use Designation and Proposed Land Use Designation of 'Low Density Residential' (OCP Schedule B) and is consistent with the policy direction contained within the OCP for infill development.

The proposed development is of a modest size and scale consistent with housing in the local area

and would add 'missing middle' family oriented housing to Esquimalt, close to transit, commercial services and parks and would add housing choice in the area, while encouraging owners and residents to choose alternative, lower carbon transportation solutions.

The applicant has indicated his support for the rejuvenation and long term protection of the existing house that is an identified community heritage asset that currently has no protection measures in place.

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

Increasing residential density in existing neighbourhoods is believed to make a community more sustainable.

5. Communication & Engagement

As this is a rezoning application, a notice would be mailed to tenants and owners of properties within 100m (328 ft) of the subject property. Signs indicating that the property is under consideration for a change in zoning have been placed on both the Lyall Street and Admirals Road frontages of the property and would be updated to reflect the date, time and location of the Public Hearing or when Council will consider the bylaw for third reading should the Public Hearing be waived. Additionally, regardless of whether the Public Hearing is waived or Council forwards the bylaw to a Public Hearing, notice would be placed in two editions of the Victoria News.

ALTERNATIVES:

1. Forward the application for Rezoning to Council with a **recommendation of approval including reasons for the recommendation.**
2. Forward the application for Rezoning to Council with a **recommendation of approval including specific conditions and including reasons for the recommendation.**
3. Forward the application for Rezoning to Council with a **recommendation of denial including reasons for the recommendation.**