



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

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Title: Development Permit and Development Variance Permit Application - 633 Nelson Street, Staff Report No. DEV-21-015

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Code sections:

Attachments: 1. Appendix A - DP000152, 2. Appendix B - DVP00112, 3. Appendix C - Aerial Map, RM-1 Zone and Mail Notice, 4. Appendix D - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 5. Appendix E - Green Building Checklist, 6. Appendix F - Applicant's Comments for Development Permit Area Guidelines, 7. Applicant Presentation

Date	Ver.	Action By	Action	Result
3/1/2021	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: February 19, 2021

Report No. DEV-21-015

TO: Laurie Hurst, Chief Administrative Officer

FROM: Alex Tang, Planner and Bill Brown, Director of Development Services

SUBJECT:

Development Permit and Development Variance Permit Application - 633 Nelson Street

RECOMMENDATION:

1. That Council approve Development Permit No. DP000152 attached as Appendix A to Staff Report No. DEV-21-015, for a 3-unit townhouse, as illustrated on the architectural plan by Xquimalt, stamped "Received January 29, 2021", the landscape plan by Lombard North Group, Inc., stamped "Received February 22, 2021, and sited in accordance with the BCLS Site Plan provided by Kenneth Ng, stamped "Received February 3, 2021", and staff be directed to issue the permit, and register the notice on the title of the property located at PID 005-375-649, Lot 81, Suburban Lot 44, Esquimalt District, Plan 2854 [633 Nelson Street].

2. That Council approve Development Variance Permit No. DVP00112 attached as Appendix B to Staff Report No. DEV-21-015, including the following variances to Zoning Bylaw, 1992, No. 2050, as illustrated on the architectural plan by Xquimalt, stamped "Received January 29, 2021", the landscape plan by Lombard North Group, Inc., stamped "Received February 22, 2021, and sited in accordance with the BCLS Site Plan provided by Kenneth Ng, stamped "Received February 3, 2021",

and staff be directed to issue the permit and register the notice on the title of the property located at PID 005-375-649, Lot 81, Suburban Lot 44, Esquimalt District, Plan 2854 [633 Nelson Street]:

Zoning Bylaw, 1992, No. 2050, 41 (3) (a) - Building Height: Increase of the maximum allowable height for the Principal Building from 7.5 metres to 7.7 metres

Zoning Bylaw, 1992, No. 2050, 41 (4) (a) - Lot Coverage: Increase of the maximum allowable lot coverage from 40% of the Area of a Parcel to 45% of the Area of a Parcel

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (i) - Siting Requirements: Principal Building - Front Setback: A 5.5-metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Front Lot Line [i.e., from 7.5 metres to 2.0 metres]

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (ii) - Siting Requirements: Principal Building - Northern Side Setback: A 1.5-metre reduction to the requirement that no Principal Building shall be located within 4.5 metres of an Interior Side Lot Line [i.e., from 4.5 metres to 3.0 metres]

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (ii) - Siting Requirements: Principal Building - Southern Side Setback: A 2.0-metre reduction to the requirement that no Principal Building shall be located within 4.5 metres of an Interior Side Lot Line [i.e., from 4.5 metres to 2.5 metres]

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (iii) - Siting Requirements: Principal Building - Rear Setback: A 3.15-metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line [i.e., from 7.5 metres to 4.35 metres]

Zoning Bylaw, 1992, No. 2050, 41 (6) - Usable Open Space: To allow for the required usable open space as required by the RM-1 zone but with an amended definition such that the area is available for use by the occupants of the individual townhouse unit rather than use by all the building's occupants

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Local Government Act

Declaration of Climate Emergency

Parking Bylaw, 1992, No. 2011

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

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

Green Building Checklist

STRATEGIC RELEVANCE:

Healthy, Livable and Diverse Community: Support Community growth, housing and development consistent with our Official Community Plan (OCP)

BACKGROUND:

Appendix A: DP000152

Appendix B: DVP00112

Appendix C: Aerial Map, RM-1 Zone and Mail Notice

Appendix D: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan
Appendix E: Green Building Checklist
Appendix F: Applicant's Comments for Development Permit Area Guidelines

PURPOSE OF APPLICATION:

The applicant is proposing to build a 3-unit townhouse. This is a development variance permit application seeking multiple variances to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw 1992, No. 2011 to accommodate the townhouses within the current RM-1 zone.

Moreover, this site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 6 - Multi-Family Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation. A development permit is required to ensure that the application is generally consistent with the development permit area guidelines contained within the Esquimalt Official Community Plan Bylaw, 2018, No.2922. The development permit is required prior to a building permit being issued for the construction of a structure.

CONTEXT:

Applicant: Xeniya Vins
Owner: 633 Nelson Street Holding Ltd.
Designer: Xquimalt
Property Size: Metric: 488.7 m² Imperial: 5260 ft²
Zone: RM-1
Existing Land Use: Single-family residential
Proposed Land Use: Townhouse residential
Surrounding Land Uses:
North: Multiple-family residential
South: Single-family residential rezoned for multiple-family residential
East: Single-family residential
West: Multiple-family residential

ZONING ANALYSIS:

Floor Area Ratio: As this application is not a rezoning application, the floor area of this proposed development cannot be increased beyond the allowable amount of the RM-1 zone. To maintain the floor area ratio of 0.40, the applicant has placed close to half of the residential floor area in the basement while having a large garage area on the main level. The basement floor areas and the garage areas are both exempt from the floor area calculation. Staff has concerns with the large garage area of 38.5 m² [414 ft²] for each garage as it corresponds to the streetscape. Alternatively, Staff's recommendation is to provide a single-car garage for each townhouse unit to improve the streetscape. The current proposal includes a row of three two-car garages with three 4.9 metre driveway, where the garage and vehicular access dominates the streetscape and frontage. The applicant has tried to ameliorate this by adding some articulation to the front of the building including recessing the garage doors into the front of the building.

Building Height: The applicant is proposing a height of 7.7 metres compared to the allowed 7.5 metres in the RM-1 zone.

Lot Coverage: The allowed lot coverage within a RM-1 zone is 40%. The applicant is proposing 45%

for the 3 townhouses.

Setbacks: The front and rear setbacks have been reduced significantly from 7.5 metres to 2.0 metres and 4.35 metres. It is evident by the setbacks of the RM-1 zone that the intent of the zone was to accommodate townhouse developments on a lot with larger dimensions or on a consolidation of smaller lots rather than on an individual small lot.

Usable Open Space: The RM-1 zone requires usable open space in the amount of not less than 5% of the area of the parcel. Usable open space must be made for convenient use by all the building's occupants and have dimensions of no less than 6.0 metres. By this definition, this development provides usable open space but for use by the individual occupants rather than all the building's occupants.

OCP ANALYSIS:

This site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 6 - Multi-Family Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation. The guidelines of these Development Permit Areas are contained within the Esquimalt Official Community Plan Bylaw, 2018, No.2922.

As Council is required to consider all the Official Community Plan guidelines from these development permit areas in evaluating this application, the applicant has submitted a document addressing these guidelines for review by the Design Review Committee.

Development Permit Area No.1 is designated for the purpose of establishing objectives for the protection of the natural environment, its ecosystems and biological diversity.

OCP Section 18.5.2 Natural Features

The applicant notes that existing healthy native trees will not be retained while retaining walls will be minimized by stepping the buildings with the sloping topography.

OCP Section 18.5.3 Biodiversity

The applicant has included a small beech tree in front of each unit and a large oak tree in the rear. The applicant states that there will be no invasive species as part of this development.

OCP Section 18.5.4 Natural Environment

Three small beech trees are proposed to be placed adjacent to the roadway. All outdoor light fixtures will be International Dark Sky Association approved and consistent with these guidelines.

OCP Section 18.5.5 Drainage and Erosion

The size of the patios in the rear has been reduced to increase pervious surfaces. In addition, there will be planters on the rooftop.

OCP Section 18.5.7 Native Bird Biodiversity

A mix of planting species and sizes are being proposed to enhance bird species diversity.

Development Permit Area No. 6 is designated for the purposes of establishing objectives for the form and character of multi-family residential development.

OCP Section 23.5 Multi-family Residential Guidelines

The proposed 3-unit townhouse are sited away from the rear lot line and stepped to follow the site's topography and. The townhouses have 100% wall overlap. The applicant states that it was not possible to retain the existing trees but states that there is no net loss of trees with the current landscape plan.

Development Permit Area No.7 is designated for the purposes of energy conservation and greenhouse gas reduction.

OCP Section 24.5.1 Siting of buildings and structures

The building has been sited to capture the sun with large windows in the west and east side. Bike racks are provided for visitors towards the northwest of the site while a landscaped buffer is provided between the sidewalk and the entry.

OCP Section 24.5.2 Form and exterior design of buildings and structures

The proposed building has a rooftop patio with large planters. Shading fins are proposed on the largest west-facing windows.

OCP Section 24.5.3 Landscaping

Small deciduous trees are added along the western edge of the building.

OCP Section 24.5.4 Machinery, equipment and systems external to buildings and other structures

The applicant states that they will be using efficient low-energy external lighting and durable materials for this house.

OCP Section 24.5.5.Special Features

The proposed house will use wood framing with wood-accent siding.

Development Permit Area No.8 is designated for the purpose of water conservation.

OCP Section 25.5.1.Building and Landscape Design

The applicant states that there is a standard onsite stormwater retention system.

OCP Section 25.5.2.Landscaping - Select Plantings for Site and Local Conditions

The applicant states that the proposed plantings have not been selected but that they will be amongst the suggested plantings list.

OCP Section 25.5.3.Landscaping - Retaining Stormwater on Site

The applicant is proposing durable paving stones for walking paths and an ample top-soil layer.

OCP Section 25.5.4.Landscaping - Water Features and Irrigation Systems

The applicant states that the proposed development will not contain high efficiency irrigation systems; however, the plantings will be to Canadian Landscape Standards.

Green Building Features

The applicant has completed the Esquimalt green building checklist [Appendix E].

Comments from the Advisory Planning Commission

The development variance permit application was considered at the regular meeting of the Advisory

Planning Commission held on January 19, 2021. Members had concerns with this development as it deters higher density as proposed in the Official Community Plan. The commission suggested the logical land assembly rather than to approve variances for a smaller development as this represents an opportunity to develop higher-density units.

Members also had concerns with the layout of the units as it was deemed to be not ideal for a family. The living space in the upper storey and the living space in the basement is separated by a garage on the main storey.

The Advisory Planning Commission resolved that the application be forwarded to Council with a recommendation of denial as the number of variances show that this proposal is more suitable for land consolidation than what is presented.

Comments from the Design Review Committee

The development permit application was considered at the regular meeting of the Design Review Committee held on February 10, 2021. Members desired more plantings in the form of boulevard trees along with native plants and biodiversity. The members had concerns with the usability and accessibility of the rear patio. In particular, the central townhouse unit is accessed via the garage. They also had concerns relating to the separation of living space on both the upper and basement storeys by a main storey garage. Because of the limited exposure to sun once the adjacent developments are developed, the members had concerns regarding the health of the plantings in the rear yard. Moreover, the members voiced concerns that the surrounding development would dwarf the proposed development on a site that would be more appropriate for a land assembly.

The DRC resolved that the application be forwarded to Council with a recommendation for approval with the following conditions:

1. That additional street trees are to be considered,
2. That the landscaping to be reviewed due to the shading implications,
3. That native plantings be required, and
4. That the applicant commits to an actual number of trees and plantings on the landscape plan.

In response, the applicant amended the landscape plan to address these comments. In addition, the applicant had discussion with staff regarding boulevard trees and Engineering Services recommended against additional trees on the boulevard as both a gas main and a sanitary main exist in proximity.

Comments from Other Departments

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

Community Safety Services: Building to be constructed to requirements of BC building code and municipal bylaws. Applicant must address all issues contained within the Township development protocol should application be approved. Plans will be reviewed for compliance with BC building code upon submission of a building permit application.

Engineering Services: Engineering staff have completed a preliminary evaluation of works and services. Staff confirm 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 with bylaw requirements including, but not limited to, new sewer and drain connections, underground

power, telephone and cable services, and new road works up to the centre line of Nelson Street.

Should the application be approved, additional comments will be provided when detailed engineering drawings are submitted as part of a building permit application.

Parks Services: Parks staff have completed a preliminary review of the proposed on-site and off-site landscaping and commented that the landscape plan looks appropriate. A survey of the trees proposed for retention on the site will be required as part of the consideration of the development permit. Moreover, tree protection fencing must be put up at the dripline of all trees to be retained.

Fire Services: Fire Services staff have completed a preliminary review of the proposal and no concerns. Addressing will be confirmed later.

ISSUES:

1. Rationale for Selected Option

Although the land assembly for development of high-density residential is the more desirable option in keeping with the intent of the proposed land use designation of the Township's Official Community Plan, and the number of required variances indicate that the proposed building does not fit well onto the lot - townhouses are a permitted use in this zone and an important component in the missing middle housing continuum.

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

The applicant has completed the Esquimalt Green Building Checklist [Appendix E].

5. Communication & Engagement

As this is a Development Variance Permit application, notices were mailed to owners and tenants of properties within 50 metres (164 ft) of the subject property. Notices were mailed out on February 17, 2021. To date, the Development Services Department has received no responses because of these notifications.

ALTERNATIVES:

1. That Council approve Development Permit No. DP000152 [Appendix A] 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 located at 633 Nelson Street.

2. That Council deny Development Permit No. DP000152 [Appendix A] with reasons provided.

3. That Council approve Development Variance Permit No. DVP00112 [Appendix B], and staff be directed to issue the permit and register the notice on the title of the property.

4. That Council deny Development Variance Permit No. DVP00112 [Appendix B] with reasons.