



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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**Title:** Development Permit and Development Variance Permit - 937 Colville Road, Staff Report No. DEV-20-023

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**Indexes:**

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**Attachments:** 1. Appendix A - DP000133 - 937 Colville Road - with Schedules A & B, 2. Appendix B - DVP00097 - 937 Colville Road - with Schedule A, 3. Appendix C - Air Photo, CD No. 126 zone, Mail Notice, 4. Appendix D - Applicants Letter, Green Checklist, Colourboard, 5. Appendix E - Site Plan, Architectural Drawings, Landscape Plan, 6. Appendix F - DP Guidelines - Jan 2020 - DPA 1, 6, 7, 7. Appendix G - DP Guidelines - May 2020 - DPA 2, 8, 8. Appendix H - PowerPoint Presentation - Applicant

Date	Ver.	Action By	Action	Result
5/25/2020	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** May 20, 2020

Report No. DEV-20-023

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Development Permit and Development Variance Permit - 937 Colville Road

**RECOMMENDATION:**

That Council resolves that **Development Permit No. DP000133** [Appendix A of staff report DEV-20-023] authorizing the design of the proposed six-unit residential building, consistent with the B.C. Land Surveyor’s Site Plan prepared by Summit Land Surveying stamped ‘Received Jan 28, 2020’, the architectural drawings prepared by Christine Lintott Architects, stamped ‘Received March 18, 2020’, and the landscape plan prepared by Imagine Garden Design and Landscapes stamped “Received March 18, 2020” **be approved, and staff be directed to issue the permit, and register the notice on the title of the property** located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277]; and

That Council resolves that **Development Variance Permit No. DVP00097** [Appendix B of staff report DEV-20-023] authorizing an increase to the permitted height for the proposed building consistent with the B.C. Land Surveyor’s Site Plan prepared by Summit Land Surveying stamped ‘Received Jan 28,

2020', and the architectural drawings prepared by Christine Lintott Architects, stamped 'Received March 18, 2020', and including the following relaxations to Zoning Bylaw 1992, No. 2050, **be approved, and staff be directed to issue the permit and register the notice on the title of the property** located 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277];

**Zoning Bylaw 1992, No. 2050, Section 67.113, [CD No. 126], (6) Building Height:** An increase to the permitted height of a building from 9.1 metres to 9.5 metres measured from grade to the midpoint between the eaves and the highest ridge, for a variance of 0.4 metres.

**RELEVANT POLICY:**

Declaration of Climate Emergency  
*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 supports the following specific strategic objective:  
Healthy, Livable and Diverse Community: support community growth, housing and development consistent with our Official Community Plan.

**BACKGROUND:**

Appendix A: DP000133  
Appendix B: DVP00097  
Appendix C: Air Photo, CD No. 126, Mail Notice  
Appendix D: Applicant's Letter, Green Building Checklist, Colourboard  
Appendix E: Site Plan, Architectural Drawings, Landscape Plan  
Appendix F: DP Guidelines - Jan 2020 - DPA 1, 6, 7  
Appendix G: DP Guidelines - May 2020 - DPA 2, 8  
Appendix H: Applicant's Presentation

**Purpose of the Application:**

The applicant is proposing six (6), two bedroom strata dwelling units, to be built in a single, stacked style townhouse building. Comprehensive Development District No. 126 of Esquimalt Zoning Bylaw 1992, No. 2050 has been written to regulate this development.

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.

Evaluation of this application should focus on issues respecting the form and character of the development, including landscaping, exterior design and finish of the buildings and other structures in relation to the relevant development permit area design guidelines. In addition, evaluation should focus on natural environment protection, energy conservation, greenhouse gas reduction, and water conservation in relation to the relevant development permit area guidelines.

**Context:**

Applicant: Ryan Jabs, Lapis Homes Ltd.  
Owners: Ryan Jabs, Lapis Homes Ltd., Inc. No. BC1063135 and  
Jesse Cooke, 1156835 B.C. Ltd., Inc., No. BC1156835

**Surrounding Land Uses:**

North: Two Family Residential [RD-3]  
South: Single Family Residential [CD-32]  
West: Ten (10) Townhouses [CD-112] - under construction  
East: Single Family Residential / Meditation Centre [CD-70]

Existing Zoning: Comprehensive Development District No. 126 [CD No. 126]

Present OCP Designation: Townhouse Residential

**Zoning and Parking Analysis:**

The following chart summarizes many of the requirements contained within the Zoning Bylaw 1992, No. 2050 Comprehensive Development District No. 126 [CD No. 126] [Appendix C].

	<b>CD No. 126 Zone</b>
<b>Units</b>	6 units
<b>Floor Area Ratio</b>	0.68
<b>Lot Coverage</b>	33 %
<b>Setbacks</b>	
• Front	2.3 m
• Rear	13.7 m
• Interior Side [East]	3.1 m
• Interior Side [West]	5.4 m
<b>Building Height</b>	9.1 m (variance requested to 9.47 m)
<b>Off Street Parking</b>	Ratio 0.8 (5 spaces total) 1 Visitor

Note: Siting exceptions allow reductions to the setbacks for decks and exterior stairs.

A 0.4 metre variance to the permitted height has been requested. Due to unforeseen issues with the depth of an existing municipal sewer pipe on the property, additional fill material will be required for the proposed driveway to adequately cover the sewer pipe. The height variance would allow the building to be raised relative to the existing grade of the site and maintain a similar height above the finished grade of the proposed driveway. This would also improve the livability of the lower floor units, with windows sized to provide ample light to the lower floor units.

### **Official Community Plan [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 of the Official Community Plan guidelines from these Development Permit Areas in evaluating a DP application, the applicant has submitted a document addressing these guidelines [Appendices F and G).

#### OCP Section 18 Development Permit Area No. 1 - Natural Environment

##### *18.5.1 Lands Free of Development*

This site is well away from local waterways so these guidelines are not applicable (NA).

##### *18.5.2 Natural Features*

This site currently has few existing natural features. Some alteration of the topography and removal of some soils is advantageous to facilitate the placement of the proposed building.

##### *OCP Section 18.5.3 Biodiversity*

The mix of native and ornamental vegetation and the proposed water feature (rain garden) have the potential to offer greater habitat to local species than the sparse vegetation (turf grass) that exists on the site currently. Any native soil that can be saved on site could assist with the successful establishment of native and ornamental plant species.

##### *OCP Section 18.5.4 Natural Environment*

Vegetation will contribute to a positive urban environment buffering noise levels and absorbing air pollution from traffic. Lighting can be chosen and sited to minimize light pollution levels, while still providing for safe movement on site.

##### *OCP Section 18.5.5 Drainage and Erosion*

The proposed addition of trees on site should help with drainage. The addition of larger conifers, where feasible, would contribute further towards absorption of precipitation in winter months.

##### *OCP Section 18.5.7 Native Bird Biodiversity*

The proposed mix of species types and sizes should support the goal of increasing habitat for native bird populations. The addition of larger native tree species would contribute to improved shelter for native birds.

#### OCP Section 19 - Development Permit Area No. 2 - Hazardous Conditions [Tsunami]

This site appears to not be included within the latest identified tsunami inundation area.

#### OCP Section 23 - Development Permit Area No. 6 - Multi-Family Residential Guidelines

The applicant has demonstrated that fit with the neighbourhood in terms of size and siting of buildings have been thoughtfully considered; as has privacy, and the pedestrian environment on Colville Road. The location, adjacent to the sidewalk has been mitigated by the addition of vegetation and limiting the staircase size.

#### OCP Section 24 - Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas

## Reduction

### *24.5.1 Siting of buildings and structures*

Site configuration has limited the layout options for these townhouse buildings. In our increasingly warm climate, east facing walls will likely become the most desirable for solar gain in the morning, while limiting hot southern and western light penetration could be seen as desirable.

### *24.5.2 Form and exterior design of buildings and structures*

The building form allows for considerable potential energy conservation, and will be built to BC Energy Code Step 3 as a covenant requirement. It is designed to encourage bicycle use, and provides access at several locations for pedestrians. If the future strata are interested in supporting a mini-library, the location by the front stairs could inspire neighbourly interaction.

### *24.5.3 Landscaping*

The landscape plan appears to meet the intent of the guidelines in this section, while balancing the needs for on-site parking.

### *24.5.4 Machinery, equipment and systems external to buildings and other structures*

Exterior lighting is being designed to be low impact and for safety. HRV system to be utilized, and will be built to Energy Step Code level 3 (covenanted item). Car share vehicle will be available at 955 Colville Road when that development is completed.

### *24.5.5 Special Features*

Wood and durable building materials are being proposed, to be locally sourced where possible and some recycling of the existing building materials, where feasible.

## OCP Section 25 - Development Permit Area No. 8 - Water Conservation

### *25.5.1 Building and Landscape Design*

Having a fairly compact three storey design allows for density while some site area is being made available for permeability. The rain garden location in the south-east corner should assist with the capture of stormwater from the driveway and a portion of the roof leaders are being directed in this location, with an overflow to accommodate heavier rain events.

### *25.5.2 Landscaping - Select Plantings for Site and Local Conditions*

It appears that the site conditions have been considered in the choice of plantings.

### *25.5.3 Landscaping - Retaining Stormwater on Site (absorbent landscaping)*

Proposed landscaping includes a rain garden, plantings and a landscaped strip in the driveway that will help water slowly absorb into the soils on site. The rain garden in particular would hold water from each precipitation event and facilitate slow absorption, thereby lessening pressure on local storm water systems.

### *25.5.4 Landscaping - Water features and Irrigation systems*

Automated irrigation system is proposed.

## **Comments from Design Review Committee**

This application was considered at the regular meeting of the Design Review Committee held on March 11, 2020. The committee made a recommendation to approve subject to the following conditions:

- Replacement of wood pickets with metal or glass
- Design of material and colour on front to be more authentic
- Better landscaping
- Revisit paving pattern to break up dominance of parking area (colours, patterns)
- Remove invasive species and incorporate more native species
- Use caliper sized trees
- Develop amenity area so it becomes more of an amenity for residents
- Design side slope for accessibility and safety
- Revisit form and character of front elevation to remove faux vent
- Explore the location of the garbage facility
- Include address signage

### **Comments from Other Departments**

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

Building Inspection: Construct to current BC Building Code and Municipal Building Code Bylaw, 2002, No. 2538. Subject to code and bylaw review at time of building permit application.

Engineering Services: Engineering has completed a preliminary review of the proposed development at 937 Colville Road. The developer should be aware that they may be required to provide Works and Services up to the road centre line. At a minimum new curb, gutter and sidewalks along the frontage of the proposed development maybe required. The development is to have sewer, drain, catch basin and water service connections, as well as underground hydro, telephone, and cable. Additional review and comments will be provided upon receipt of detailed engineering drawings. All proposed Works and Services shall be as per Bylaw, 1997, No. 2175. The applicant is responsible for retaining the services of qualified professional for the design and construction supervision of all Works and Services, including construction costs, engineering fees, administrative fees and as indicated in Bylaw No. 2175.

Fire Services: Sprinklers will be required for this building as per Building Regulation Bylaw 2017, No. 2899. A fire department lockbox will be required for the common room (bike storage), and a pre-construction safety plan will be required at building permit stage.

### **ISSUES:**

#### 1. Rationale for Selected Option

The Design Review Committee has recommended approval with conditions, which the applicant has considered. This proposal has the potential to add six new housing units while inspiring owner/residents to adopt a low carbon lifestyle.

#### 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 chosen to completed the original Esquimalt Green Building Checklist [Appendix D]

5. Communication & Engagement

As this application includes a Development Variance Permit, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on May 11, 2020 indicating that Council would be considering the requested Development Variance Permit on May 25, 2020. To date, the Development Services Department has received not comments as a result of these notifications other than a phone call from the executer for the estate for an estate property. He verbally said that as the executer he had no concerns.

**ALTERNATIVES:**

1. That Council resolves that Development Permit No. DP000133 [Appendix A] and Development Variance Permit No. DVP00097 [Appendix B] be approved, and staff be directed to issue the permits and register the notices on the title of the property located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277].
2. That Council resolves that Development Permit No. DP000133 [Appendix A], be updated as directed, and that Development Variance Permit No. DVP00097 [Appendix B] be approved with conditions, and staff be directed to issue the permits and register the notices on the title of the property located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277].
3. That Council deny Development Permit No. DP000133 [Appendix A] and Development Variance Permit No. DVP00097 [Appendix B] with reasons.