



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

**File #:** 17-452      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Passed  
**File created:** 11/6/2017      **In control:** Council  
**On agenda:** 11/27/2017      **Final action:** 11/27/2017  
**Title:** Rezoning Application - 615 Fernhill Road, Staff Report DEV-17-065  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Appendix A - Amendment Bylaw No. 2906, 2. Appendix B - Subject Property Map, Aerial Map, RM-4 Zone, 3. Appendix C - Surveyor's Site Plan, Architectural Drawings, Landscape Plan, 4. Appendix D - Arborist Report, 5. Appendix E - Green Building Checklist, 6. Appendix F - Public Consultation Map, Notice, Comments, 7. Appendix G - Public Comments - Pacific Diamond Holdings

Date	Ver.	Action By	Action	Result
11/27/2017	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** November 22, 2017

Report No. DEV-17-065

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

**FROM:** Bill Brown, Director of Development Services / Alex Tang, Planning Technician

### SUBJECT:

Rezoning Application - 615 Fernhill Road, PID 004-757-742, Lot B, Section 11, Esquimalt District, Plan 12446

### RECOMMENDATION:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2906, attached to Staff Report DEV-17-065 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 004-757-742, Lot B, Section 11, Esquimalt District, Plan 12446 [615 Fernhill Road] shown cross hatched on Schedule 'A' of Bylaw No. 2906, from RD-1 [Two Family Residential] to CD No. 105 [Comprehensive Development District No. 105], be considered for **first and second reading**; and

2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2906, mail notices and advertise for same in the local newspaper.

### RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No 2050  
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:

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

## BACKGROUND:

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2906  
Appendix B: Subject Property Map, Aerial Map, RM-4 Zone  
Appendix C: Surveyor's Site Plan, Architectural Drawings, Landscape Plan  
Appendix D: Arborist Report  
Appendix E: Green Building Checklist  
Appendix F: Public Consultation Map, Notice, Comments  
Appendix G: Public Comments - Pacific Diamond Holdings

## Context

Architect: MJM Architect Inc.  
Applicant/Owner: Mikhail Bruce Wilkin  
Property Size: Metric: 770 m<sup>2</sup> Imperial: 8,288 ft<sup>2</sup>  
Existing Land Use: Residential  
Surrounding Land Uses:  
North: Multiple Family Residential  
South: Multiple Family Residential  
West: Multiple Family Residential  
East: Multiple Family Residential  
Existing Zoning: RD-1 [Two Family Residential]  
Proposed Zoning: CD [Comprehensive Development Zone]  
Existing OCP Designation: Multi-Unit, Low-Rise Residential [No change required]

Zoning, Density, Lot Coverage, Setbacks, Height and Parking:  
The following chart compares the setbacks, lot coverage and floor area ratio and parking requirements of this proposal with the requirements of the RM-4 [Multiple Family Residential]:

	RM-4	Proposed CD-105
Floor Area Ratio	1.0	0.99
Lot Coverage	30%	51%
Setbacks		
Front	7.5m	5.85m
Rear	7.5m	5.65m
Interior Side [North]	6m	4.5m
Interior Side [South]	6m	4.15m

Building Height	11m	10.93m
Off Street Parking	13	12

Floor Area Ratio: The floor area ratio of the proposed zone, 0.99 is less than the 1.0 permitted in the Multiple Family Residential zone [RM-4].

Lot Coverage: The lot coverage of the proposal at 51% is greater than the 30% permitted in the Multiple Family Residential zone [RM-4]. This lot coverage includes two modest front patios and an area with a trellis that leads to the main entrance on the north side.

Height: The applicant proposes to construct a four storey building 10.93m in height. This proposed height is less than the 11m permitted in the Multiple Family Residential zone [RM-4].

Setbacks: This proposed front setback is 0.0m to the front patio and 5.85m to the front face of the principal building. The north interior side setback is 3.2m to the overhanging balcony and 4.5m to the principal building. The south interior side setback is 2.85m to the overhanging balcony and 4.15m to the principal building. In addition, the rear setback is 5.65m.

Parking: The applicant proposes to provide one less parking spot than the minimum required for this project. This can be justified based on the location of this project and its proximity to public transit service and services along Esquimalt Road.

Usable Open Space: The proposed development will include an open space area of 100.5m<sup>2</sup> to the north of the building.

### **Official Community Plan**

The Esquimalt Official Community Plan allows for sensitive infill development in residential zones, provided the development is consistent with the form and character of the existing neighbourhood.

Section 2.2 - Residential Land Use recognizes that modest growth is likely to occur through the infill of vacant or underutilized parcels, redevelopment of existing residential properties to higher densities (such as townhouses, apartment buildings and mixed commercial-residential uses) and the replacement of existing buildings.

Section 2.2.1(a) states the Township should work toward a more complete community by maintaining a healthy mixture of housing types, accommodating people with a wide range of income levels.

Section 2.2.1(b) states the Township should encourage new residential development with high design standards for building and landscaping and which enhance existing and new neighbourhoods.

Section 2.2.4.1 - Multi-Unit Residential Policies are intended to provide more predictability for residents and give direction to design teams preparing development proposals.

Section 2.2.4.1 (b) states that the Township encourages the concentration of multi-unit residential development where such development is in keeping with the overall goals of this Plan.

Section 2.2.4.1(c) states that the Township encourages multi-unit residential near a Major Road as

shown on 'Schedule B' of the Official Community Plan. The subject property is located within 100 metres of Esquimalt Road, and Esquimalt Road is considered a Major Road.

Section 2.2.4.1(e) states that a mix of housing types will be provided in multi-unit residential areas in order to provide visual interest and to meet the varying housing needs of Esquimalt's current and future residents.

Section 2.2.4.1(g) Within the areas designated as Townhouse Residential, Multi-Unit, Low-Rise Residential and Multi-Unit, High-Rise Residential, the following criteria will be used to evaluate development proposals requiring an application for rezoning:

- The massing and height of the project will respond sensitively to the prevailing character of the immediate neighbourhood. This will vary by location;
- The project will relate to the street. Its exterior finishes, scale, treatment of parking areas, and landscaping, will enhance the appearance of the neighbourhood and contribute positively to the streetscape;
- The proponent will demonstrate that the neighbourhood has been consulted in a fair and meaningful way, and that residents' concerns have been appropriately responded to in the proposal; and
- Where new multi-unit residential projects are proposed, they should not "land-lock", otherwise isolate, or negatively affect the development potential of adjacent parcels. Projects must either consolidate the isolated parcels or leave a sufficient area available to allow for the eventual redevelopment of the adjacent land.

Section 2.2.4.1(j) states that in new multi-unit residential developments, secure bicycle storage for residents should be provided in the ratio of 1.5 storage spaces per dwelling unit. In addition to the residents' parking, each multi-unit building should have six (6) bicycle lock-up spaces for the use of visitors.

Section 2.2.4.3 - Multi-Unit, Low Rise Residential states that in the Multi-Unit, Low Rise Residential areas designated on "Schedule A" of the Official Community Plan, new buildings up to 4 storeys with a Floor Area Ratio of up to 1.5 may be acceptable.

### **Green Building Features**

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

### **Comments from Other Departments**

**Building Inspection:** Building to be constructed to requirements of BC Building Code 2012 and Municipal Building Code Bylaw, 2002, No. 2538. 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 has completed a preliminary evaluation of Works and Services that would be required to the 10 unit multiple family residential building proposed to be located at 615 Fernhill Road. 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 centre line of Fernhill Road. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a Building Permit application.

**Fire Services:** Fire Services staff has completed a preliminary review of the proposed plans and recommends for the powerlines on Fernhill Road in front of the subject property to be buried. Although this is not required by the Township, it would be desirable as a streetscape improvement. Fire Services staff also had concerns with the height of the new boulevard trees as they may impede with aerial access.

**Parks Services:** Parks staff has completed a preliminary review of the proposed on-site and off-site landscaping and have no concerns with the planting plan. Trees to be retained on site require protective fencing in advance of site preparation, deconstruction, and during construction. A tree cutting permit is required for any tree removal.

### **Comments from the Design Review Committee [DRC]**

This application was considered at the regular meeting of the DRC held on June 14, 2017. Michael Moody, representing MJM Architect Inc., presented the project and its details.

Members felt that the proposed development would enhance the neighbourhood and corresponded well to the land use designation in the Official Community Plan. Members raised concerns about screening between the subject property and its adjacent properties. Members also stated that one ornamental tree is not a sufficient replacement for the Garry Oak tree that is being removed. In addition, members wanted the applicant to consider the possibility of using permeable pavers to treat rainwater by altering the grading at the parking level.

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

That the applicant:

1. Consider adjusting the site plan so that vegetative screening between the subject property and the property to the south can be located on the subject property;
2. Consider tree plantings in the front setback that more closely compensate for the loss of the Garry Oak; and
3. Examine the grading and drainage issues and examine the possibility of using permeable pavers to treat rainwater runoff.

In response to this recommendation, the applicant has amended the plans for the proposed development to address these issues. The applicant added five red Maple trees to the open space north of the building and five Beech trees to the eastern edge of the property. Alongside the Beech trees, there is a proposed Yew hedging for additional screening. Given the limited planting opportunities in the front yard area of the proposed design, the applicant has voluntarily agreed to install 2 boulevard trees within the public realm to enhance the overall streetscape. In addition, the grading at the parking level was altered to utilize the permeable pavers to treat the rainwater runoff.

### **Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on June 20, 2017. Michael Moody, representing MJM Architect Inc., presented the project and its details.

Members liked the proposal and felt the design and concept fit within the character of the neighbourhood. Members questioned whether such a large building on a small lot would be viable without the increase in lot coverage. Members also questioned whether two electric vehicle charging stations would be sufficient. Members also suggested that the applicant consider incorporating accessibility into the design of the units.

The APC resolved that the application be forwarded to Council with a recommendation of approval as the proposed design and concept fits within the character of the neighbourhood and the needs of the community.

## **ISSUES:**

### **1. Rationale for Selected Option**

This application is consistent with the Land Use Designation assigned to the subject property and the policy direction contained with the Official Community Plan for Multi-Unit Residential developments. This development would add density in the form of 10 units that range in unit sizes to accommodate different segments of the population. The applicant has responded to the concerns of the DRC by amending the plans to address the issues raised. Moreover, the APC unanimously recommended approval. This application represents a desirable investment in an area well served by public transit and local commercial services.

### **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 an Esquimalt Green Building Checklist [Appendix E]. The applicant is proposing a bicycle storage locker for 15 bicycles and an exterior bicycle parking area for 6 bicycles, consistent with Esquimalt's Official Community Plan. The applicant is also proposing the installation of two electric vehicle charging stations on its parking level. In addition, the applicant is proposing to plant 5 Maple trees, 5 Beech trees and 2 Sweet Gum boulevard trees to compensate for the loss of a significant Garry Oak tree.

### **5. Communication & Engagement**

As this is a rezoning application, should it proceed to a Public Hearing, notices would be mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property. Notice of the Public Hearing would be placed in two editions of the Victoria News and a sign indicating that the property is under consideration for a change in zoning that has been in place on the Fernhill Road frontage since June 2017 would be updated to show the date, time and location of the Public Hearing.

As required by the Township's Development Application Procedures and Fees Bylaw, 2012, No. 2791, the applicant delivered notices to properties within 100 metres of the subject property soliciting comments and inviting residents to attend a Public Open House to hear about the

proposal, review the drawings and provide comments. This meeting was held from 12pm to 2pm on Sunday, July 2, 2017 at the subject property at 615 Fernhill Road. Staff confirms that the applicant has provided the required submissions indicating that thirteen people attended the meeting [Appendix F]. Five of the local residents supported the proposed development while eight were undecided.

#### **ALTERNATIVES:**

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2906, attached to Staff Report DEV-17-065 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 004-757-742, Lot B, Section 11, Esquimalt District, Plan 12446 [615 Fernhill Road] shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2906, from RD-1 [Two Family Residential] to CD No. 105 [Comprehensive Development District No. 105] be considered for **first and second reading**, and that Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2906, mail notices and advertise for same in the local newspaper.
2. Council postpone consideration of Bylaw No. 2906 pending receipt of additional information.
3. Council deny first and second reading of Bylaw No. 2906.