



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
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## Legislation Details (With Text)

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**Title:** Official Community Plan Amendment and Rezoning Application – 842 Carrie Street, Staff Report No. DEV-20-069

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**Indexes:**

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**Attachments:** 1. Appendix A - Bylaw 3005 OCP Amendment Bylaw, 2. Appendix B - Bylaw No. 3006 Zoning Bylaw Amendment, 3. Appendix B1 - Bylaw No. 3006 - Zoning Bylaw Amendment CD133 - with changes shown, 4. Appendix C - Air photo, OCP & Zoning maps, RS-1 zone, 5. Appendix D - Oct 6th revisions, Applicants letter, architects drawings, landscape plans, 6. Appendix E - Green Building Checklist, 7. Appendix F - Neighbourhood meeting invitation & letters of support - emails, 8. Appendix G - OCP consultation letter and concept plan, 9. Appendix H - Applicants presentation - 2nd reading, 10. Appendix I - Staff Presentation - 842 Carrie St - 2nd reading

Date	Ver.	Action By	Action	Result
10/26/2020	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** October 27, 2020

Report No. DEV-20-069

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

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

**SUBJECT:**

Official Community Plan Amendment and Rezoning Application - 842 Carrie Street

### RECOMMENDATION:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3005 attached as Appendix 'A' of Staff Report DEV-20-069, which would amend the 'Proposed Land Use Designations' map, thereby changing the designation of 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276] shown cross-hatched on Schedule 'A' of Bylaw No. 3005, from 'DPA No. 6 - Multi-Family Residential' to 'DPA No. 3 - Enhanced Design Control Residential' be given second reading; and

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3006 attached as Appendix 'B' to Staff Report DEV-20-069, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276], shown cross-hatched on Schedule 'A' of Bylaw No. 3006, from Single

Family Residential [RS-1] to Comprehensive Development District No. 141 [CD. No. 141], be given second reading; and

2. Subject to any Ministerial Order, that Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3005 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3006, mail notices and advertise for same in the local newspaper.

### **RELEVANT POLICY:**

Declaration of Climate Emergency

Official Community Plan Bylaw, 2018, No. 2922 [OCP]

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

*Local Government Act*

### **STRATEGIC RELEVANCE:**

Support community growth, housing and development consistent with our Official Community Plan.

### **BACKGROUND:**

Appendix A: Bylaw No. 3005 - OCP Amendment - 842 Carrie Street

Appendix B: Bylaw No. 3006 - Zoning Amendment [CD133] - 842 Carrie Street

Appendix B1: Bylaw No. 3006 - Zoning Amendment [CD133] - with changes shown

Appendix C: Air photo, OCP Designation & Zoning maps, RS-1 zone

Appendix D: Oct. 6<sup>th</sup> revisions, Applicant's letter, architect's drawings, landscape plans

Appendix E: Green Building Checklist

Appendix F: Neighbourhood meeting invitation & letters of support

Appendix G: OCP consultation letter and concept plan

Appendix H: Applicant's Presentation

Appendix I: Staff Presentation

### **Purpose of the Application:**

The applicant is requesting a change in zoning from Single Family Residential [RS-1] to a Comprehensive Development District, to facilitate the future subdivision of the lot and the construction of a new house to the west 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 Townhouse Residential.

This site is also located within the following OCP Development Permit Areas [DPA]: No. 1 - Natural Environment, No. 6 - Multi-Family Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction, and No. 8 - Water Conservation. Should this application proceed, an OCP amendment to the development permit areas will be required, from DPA No. 6 - Multi-Family Residential to DPA No. 3 - Enhanced Design Control Residential. 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:** Janos Farkas, Xquimalt Developments

**Owners:** Janos Farkas and Xeniya Vins

**Architect:** Xeniya Vins, Xquimalt Developments

**Property Size:** Metric: 578.5 m<sup>2</sup> Imperial: 6226.9 ft<sup>2</sup>

**Existing Land Use:** Single Family Residential

**Surrounding Land Uses:**

North: Two Family Residential

South: Esquimalt High School

West: Single Family Residential

East: Single Family Residential

**Existing Zoning:** Single Family Residential [RS-1]

**Proposed Zoning:** Comprehensive Development District [CD]

**Existing Present OCP Designation:** Low Density Residential [No change proposed]

**Existing Proposed OCP Designation:** Townhouse Residential [No change proposed]

**Official Community Plan (OCP) Analysis:**

The proposed development of a subdivision of the existing lot to accommodate an additional single family dwelling is consistent with the OCP 'Present' Land Use Designation of 'Low Density Residential'. The 'Proposed' Land Use Designation of 'Townhouse Residential' supports future townhouses in this area. It could be argued that this proposed development impedes future consolidation of lots and realization of townhouses in this location.

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 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 buildings relate 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. 6 - Multi-Family 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 Present OCP designation [Low Density Residential] with a single-unit infill development, an OCP amendment to the development permit areas will be required, from Development Permit Area No. 6 - Multi-Family Residential to Development Permit Area No. 3 - Enhanced Design Control Residential. Therefore, the Single-unit Infill Housing guidelines are provided here.

*DPA No. 3 Enhanced Design Control Residential* - is designed 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 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 proposed Comprehensive Development District zone would contain the following uses: single family residential, secondary suite (Site A), 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.

	Single Family Residential [RS-1]	Proposed CD zone Current lot area = 578.5 m <sup>2</sup> Average FAR = 0.45	
		Lot A – East Existing house	Lot B – West Proposed house
Minimum Parcel Size	530 m <sup>2</sup>	322.17	256.0
Floor area ratio (FAR)	0.35	0.52	0.37
Lot coverage	30%	0.37	0.27
Building height	7.3 m	8.2 m	7.5 m
Setbacks			
• Front	7.5 m	2.35 m (1.51 m to stairs)	3.01 m
• Rear	7.5 m	5.95 (4.78 m to landing)	2.99 m
• Side (Exterior)	3.6 m	3.21 m (2.65 m to new balcony)	na
• Side (Interior)	1.5 m	3.29 m	5.75 m
• Side (Interior)	1.5 m	NA	2.75 m
Off street parking	1 space per dwelling unit	1 space (no space for suite)	1 space

The subject property is an average size single family lot where the current zoning allows a single family residence with a secondary suite. The applicant is proposing to build a new four bedroom house, and to renovate the existing house with substantial changes that increase the floor area. Renovations would include replacing the roof with a larger second floor including a large dormer, changing the layout of the interior rooms including moving interior staircases, changing many window locations, adding a balcony on the south elevation, and rebuilding the foundation as the basement ceiling height (6" 6") is below standard height.

The original date of the house is uncertain as it predates Esquimalt, with the "cement foundation" being a renovation by building permit in 1936. This building is not included on the Community Heritage Register or the old heritage list though it does have some heritage value as a modest sized older home in the neighbourhood, due to its age and corner location. The removal of the existing roof and the addition of the new top floor with the dormer will significantly impact the character of this building. Staff have suggested a reduction to the size of the addition, particularly the size of the dormer.

As per Council direction of September 14, 2020, the proposal would include a secondary suite in the eastern house [Site A], and not the western house [Site B]. The applicant has agreed to a covenant that would assure Council that there would be no more than the three dwellings at this location in the future.

Floor Area Ratio [FAR] measures the size of a building (or for all buildings on a lot) as a ratio of the size of the lot on which the building(s) sit. The proposed average FAR for this development at 0.45 is above, the 0.35 FAR found in the majority of previous single unit infill developments and the maximum permitted in the RS-1 zone. The existing house with the proposed addition to the top floor (after subdivision) would have a FAR of 0.52, the new house on a 256 m<sup>2</sup> (2755 ft<sup>2</sup>) lot would have a FAR of 0.37. The small size of the proposed lots contributes to the resulting high FAR.

The existing house has a shallow front setback (1.5 metres to the front stairs) when compared to the RS-1 zone (7.5 metres) requirements which has provided for a fairly large backyard on this lot. This yard provides for the proposed additional residential building location, also with a shallow front yard (3.01 metres) and a shallow rear yard (2.99 metres).

In order to achieve BC Energy Step Code Level 3 the applicant has proposed to add 2 inches of thickness to both buildings exterior walls. This has resulted in small changes to the setbacks in Zoning Amendment Bylaw No. 3006 for both sites A and B, from what was presented for first reading in September. Differences can be seen in Appendix B1.

### **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 potential lot. Tandem parking is not recognized by the parking bylaw as it does not provide adequate access to the inner parking space. The secondary suite, to be located in the Site A house, would not have a parking space on site, and would rely on street parking. Providing an additional parking space on Site A would result in a loss of usable outdoor open space and would require the removal of street parking to facilitate a new driveway.

### **Comments from Other Departments:**

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

Community Safety Services (Building Inspection): 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. According to Subdivision and Development Control Bylaw, 1997, No. 2175, including all schedules, the developer may be required to provide all works and services up to the road centre line, including new curb, gutter and sidewalks. Staff confirms that the design appears achievable on the site and that new drain and sewage services maybe required for both buildings. The applicant is responsible for retaining the services of a qualified professional for the design and construction supervision of all works and services, including construction costs, engineering fees, administrative costs and contingency allowance, as indicated in Bylaw 2175. Additional comments provided when detailed engineering drawings submitted.

Parks Services: Tree protection fencing will need to be erected at the dripline for all trees, and possibly the neighbour's trees. Tree cutting permits are required for all trees that may be removed.

Fire Services: Please ensure a suite address is visible from the street.

### **Comments from the Advisory Planning Commission:**

This application was considered at the regular meeting of the Advisory Planning Commission [APC] held on April 21, 2020. The APC members supported this application and recommended the following:

That the application for rezoning, that would facilitate the future subdivision of the subject property and the construction of an additional house to the west of the existing dwelling be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve, as the proposal is a good addition to the neighbourhood and will meet the green features Esquimalt is looking for.

Note: The APC was not asked to contemplate the potential for future secondary suites at this location.

#### **Time Line:**

October 25, 2019 - Rezoning application received (staff request revisions)

Feb. 21, 2020 - Revised application package received

April 21, 2020 - Advisory Planning Commission provides a recommendation

May 6, 2020 - Applicant's neighbourhood consultation package mailed

June 3, 2020 - OCP Amendment consultation package mailed

Sept. 14, 2020 - Council grants first reading to Bylaw No. 3005 and 3006

#### **ISSUES:**

##### 1. Rationale for Selected Option

On September 14<sup>th</sup> when granting first reading to Bylaw No. 3005 and 3006, Council provided direction to staff and the applicant that three dwelling units could be considered at this location, by including a secondary suite in the house on Site A, and that they would like to have both buildings achieve BC Energy Step Code level 3. The applicant has provided revised siting and height measurements that will make Step Code level 3 achievable for both buildings.

The applicants have agreed to offer the following covenant items to improve this application, and also assist Esquimalt in meeting its commitment to reduce community greenhouse gas emissions:

- Secondary suite allowed in the Site A building only
- Build the new building and renovate the old building to achieve BC Energy Step Code level 3
- Electric vehicle chargers at each house
- Heat pumps will be provided as the primary heating source for both buildings
- The new house would not have a gas connection (fossil fuel heating source).

##### 2. Organizational Implications

This Request for Decision has no significant organizational implications.

##### 3. Financial Implications

This Request for Decision has no significant financial implications.

##### 4. Sustainability & Environmental Implications

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

##### 5. Communication & Engagement

#### **Public Notification:**

As this is an OCP amendment and rezoning application, should it proceed to a public hearing, a notice would be mailed to tenants and owners of properties within 100 metres (328 feet) of the subject property. Signs indicating that the property is under consideration for a change in zoning have been placed adjacent to the Carrie Street lot line and the Colville Road lot line and would be updated to reflect the date, time and location of the public hearing. Additionally, notice of the public hearing would be placed in two editions of the Victoria News. As this application includes an OCP amendment Council can not waive the public hearing, as it is required by the *Local Government Act*.

Official Community Plan [OCP] Consultation:

The Official Community Plan and Zoning Bylaw Amendment concept plan was circulated to local First Nations and other agencies for comment on June 3, 2020. No concerns were raised from these agencies [Appendix G].

Applicant's neighbourhood consultation:

In lieu of a neighbourhood meeting, at the direction of the Director of Development Services and with the assistance of staff, on May 6, 2020 a letter was mailed on behalf of the applicant to the owners and residents of properties located within 100 metres of the subject property, providing them with an opportunity to telephone or email the applicant with any comments or concerns; in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791[Appendix F].

**ALTERNATIVES:**

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3005 attached as Appendix 'A' to Staff Report DEV-20-069, and that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3006, attached as Appendix 'B' to Staff Report DEV-20-069 be read a second time and the Corporate officer be authorized to schedule a public hearing.
2. Council post pone consideration of Bylaw No. 3005 and 3006 pending receipt of additional information.