



# 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:** Rezoning Application – 1131 Wychbury Avenue, Staff Report No. DEV-21-054  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Appendix A - 1131 Wychbury Ave - Zoning Amendment Bylaw No. 3035 - CD-140, 2. Appendix B - Site Plan, Airphoto, OCP, Zoning, Maps RS-1 Zone, 3. Appendix C - Drawings, LP, Plans, BCLS, 4. Appendix D - Applicant Narrative, 5. Appendix E - Green Building Checklist, 6. Appendix F - Applicant Presentation, 7. Appendix G - Staff Presentation to Council

Date	Ver.	Action By	Action	Result
7/12/2021	1	Council	denied	Fail
7/5/2021	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** June 28, 2021      Report No. DEV-21-054  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services  
**SUBJECT:**  
Rezoning Application - 1131 Wychbury Avenue

### RECOMMENDATION:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3035 attached as Appendix 'A' to Staff Report DEV-21-054, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 1131 Wychbury Avenue [PID 005-910-951, Lot 12, Block 1, Section 11, Esquimalt District, Plan 5725], shown cross-hatched on Schedule 'A' of Bylaw No. 3035, from Two Family DADU Residential [RD-4] to Comprehensive Development District No. 140 [CD. No. 140], be given first and second reading; and
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3035, mail notices and advertise for same in the local newspaper.

### 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

Building Regulation Bylaw, 2017, No. 2899

## **STRATEGIC RELEVANCE:**

Healthy, Livability, and Diverse Community - Support community growth, housing and development consistent with our Official Community Plan.

## **BACKGROUND:**

### **Appendices:**

Appendix A: Bylaw No. 3035 - Zoning Amendment [CD 140] - 1131 Wychbury Avenue

Appendix B: Site Plan, Air Photo, OCP Maps, Zoning Map, RS-1 zone

Appendix C: Architectural Plans, Shadow Plans, Landscape Plan and BCLS Site Plan

Appendix D: Applicant's Narrative

Appendix E: Green Building Checklist

Appendix F: Applicant's Presentation to Council

Appendix G: Staff Presentation to Council

### **Timeline:**

October 27, 2020 - Rezoning application received

January 22, 2021 - Staff requested a number of revisions

Feb. 25, 2020 - Revised application package received

March 23, 2021 - Advisory Planning Commission provides a positive recommendation

July 5, 2021 - Council considers reading Amendment Bylaw No. 3035 a first and second time.

## **Purpose of the Application:**

The applicant is requesting a change in zoning from Two Family DADU Residential [RD-4] to Comprehensive Development District No 140, to facilitate the future subdivision of the lot and the construction of a new house to the south of the existing principal dwelling. Both the Esquimalt Official Community Plan Bylaw, 2018, No. 2922 [OCP] 'Present' and 'Proposed' land use designations for this property are Low Density Residential so no OCP amendment is required for Council to consider this application.

This site is also located within the following OCP Development Permit Areas [DPA]: No. 1 - Natural Environment, No. 3 - Enhanced Design Control Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction, and No. 8 - Water Conservation. Should this rezoning application be approved by Council, approval 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 the new building.

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:** Zebra Design [ Louis Horvat]

**Owners:** Artemis Hartt/ Nadia Hartt

**Architect:** Zebra Design [ Louis Horvat]

**Property Size:** Metric: 846 m<sup>2</sup> Imperial: 9106 ft<sup>2</sup>

**Existing Land Use:** Single Family Residential

**Surrounding Land Uses:**

North: Single Family Residential

South: Two Family Residential

West: Single Family Residential

East: Single Family Residential [Small Lot Infill]

**Existing Zoning:** Two Family DADU Residential [RD-4]

**Proposed Zoning:** Comprehensive Development District No. 140 [CD-140]

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

**Proposed OCP Designation:** Low Density 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 both the OCP 'Present' 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 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. 3 - Enhance design Control Residential
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction
- Development Permit Area No. 8 - Water Conservation

The applicant is proposing a development consistent with the Low Density Residential with a single-unit infill development; therefore, the Single-unit Infill Housing guidelines are provided here.

*OCP Section 20 - 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 - DPA 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.

#### 18.5.5 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.

#### 24.5.3 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 exceeds the minimum lot size for a Two Family Residential lot and the current zoning allows a single family residence, possibly including a secondary suite, a single family residence and a DADU located in the rear yard, or a or a duplex. The applicant is proposing to retain and renovate the existing home and build a 3-bedroom, 2.5 bathroom house including an additional, independently accessed, self-contained, secondary suite in the basement of this new home on the south portion of the current lot. To facilitate creation of this infill parcel, the applicant would commit to removing the rear deck of the existing home and renovating the rear wall through repositioning the exterior stairs to flow to the west from a new rear vestibule door on the main floor and enclosing the existing basement door and installing a new basement access door on the east side of the rear vestibule. The applicant proposes to further renovate the basement by replacing windows and adding insulation to prepare the basement for the possible conversion to either additional living space for the principal residence or a legal suite in the future via an internal renovation Building Permit.

The proposed Comprehensive Development District zone would contain the following uses: single family residential, secondary suite, 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 this proposal.

	<b>RS-1</b> (Single Family Residential including a Secondary Suite)	<b>Proposed CD-140 Zone</b> (Two Single Family Houses including a Secondary Suite in each)  Current Lot Area = 846 m <sup>2</sup> Average FAR = 0.43	
		<b>Lot A</b> <b>[North – Existing House]</b>	<b>Lot B</b> <b>[South – Proposed House]</b>
<b>Minimum Parcel Size</b>	530 m <sup>2</sup>	423 m <sup>2</sup>	422 m <sup>2</sup>
<b>Floor Area Ratio</b>	0.35	0.52 [Existing Bldg]	0.35
<b>Lot Coverage</b>	30%	28 % 26% [Principal Bldg]	28 % 26% [Principal Bldg]
<b>Setbacks [Principal Bldg]</b>			
• <b>Front</b>	7.5 m	7.5 m	4.5 m
• <b>Rear</b>	7.5 m	3.2 m	4.8 m
• <b>Interior Side</b>	3.0 m/1.5 m	3.8 m	6.3 m / 3.1 m
• <b>Exterior Side</b>	3.6 m	4.8 m	N/A
<b>Building Height</b>	7.3 m	7.3 m	7.3 m
<b>Off Street Parking</b>	1 space per dwelling unit	2 spaces	1 space (no space for suite)

Floor Area Ratio [FAR] measures the livable space within a building (or for all buildings on a lot) as a ratio to the size of the lot on which the building(s) sits. The existing house (after subdivision) would have a FAR of 0.52. This is notably higher than many infill projects in the Township which are generally consistent with the 0.35 FAR permissible in the RS-1 zone. The FAR for the existing home exceeds the RS-1 zone standard based on the technical approach used to calculate Floor Area Ratio. Due to the nature of construction of this home, all three floors, including the “basement” are counted as Floor Area. If the basement of the home had been dug further into the ground, all the floor area associated with the lowest floor would have been exempt from the FAR calculation which would result in an FAR of 0.33, consistent with the RS-1 zone.

The proposed south lot is 422 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. This parcel size is smaller than the RS-1 zone standard but is larger than many small lot infill parcels within the Township. The applicant has proposed a new home that is in scale and size, consistent with the parcel on which it would be placed. The proposed home would have a FAR of 0.35 and a Lot Coverage not exceeding 28%, both consistent with the maximum density and Lot Coverage 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 concept site plan details two parking spaces located behind the front face of the principal building for Site A and one garage parking space for Site B. Tandem parking is not recognized by the Parking Bylaw as it does not provide adequate access to the inner parking space.

The secondary suite proposed for Site B would not have a dedicated parking space on-site and would rely on street parking. Providing an additional parking space on Site B, if the current design is retained, would require the installation of a second driveway on the southern portion of the site that would undermine the functionality of this desirable usable space and would sacrifice significant permeable surface of this lot.

**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): 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. Suggest adding trees to the proposed landscaping to offset any trees removed as part of construction of the project.

Fire Services: Ensure addressing clearly identifies the secondary suites and ensure appropriate egress is provided from both basement bedrooms.

**Comments from the Advisory Planning Commission:**

This application was considered at the regular meeting of the Advisory Planning Commission [APC] held on March 23, 2021. 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 south of the existing dwelling be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve as the application is entirely in context with the neighbourhood, has nice design elements and represents good infill.

**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 applicant has indicated support for the rejuvenation of the existing house thereby extending its useful life and supporting the opportunity to add a suite as desirable rental unit and mortgage helper improving affordability of the home. The proposed infill home is of a size and scale consistent with housing in the local area and would add a needed family-oriented home and rental unit, close to transit, commercial services and parks and would add housing choice in the area.

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

- Require Secondary suite be installed as part of the construction of the new house on Site B.
- Renovate the existing home by removing all three windows on the west wall of the basement and replace them with two windows designed to satisfy current building code egress requirements from a basement bedroom.
- Renovate the existing home by enclosing the existing basement door and relocating the basement access to the east side of the rear vestibule.
- Renovate the existing home by enclosing the existing rear vestibule door and relocate the door to the west side of the rear vestibule.
- Renovate the existing home by removing the existing rear stairs and constructing new stairs from the new rear vestibule door to grade on the west side of the vestibule.
- Renovate the existing home by installing new insulation and vapour barrier (or equivalent) around the entire basement.
- Renovate the existing home by relocating water and sewer connection locations to facilitate moving the laundry area to under the basement stairs.
- Renovate the existing home basement structural supports to accommodate the future installation of a secondary suite consistent with the Proposed Basement Plan [Appendix C].
- Build the new building and renovate the old building to achieve BC Energy Step Code, Step 2.
- Install an Electric Vehicle Charger in the new home on Site B.

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

Increasing residential density in existing neighbourhoods is believed to make a community more sustainable. The applicant has completed the Green Building Checklist [Appendix E].

5. Communication & Engagement

Public Notification:

As this is a 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 on the Wychbury Avenue and Kinver Street frontages 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.

**ALTERNATIVES:**

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3035, attached as Appendix 'A' to Staff Report DEV-21-054 be read a first and second time and the Corporate Officer be authorized to schedule a public hearing.

2. That Council postpone consideration of Bylaw No. 3035 pending receipt of additional information.
3. That Council defeats Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3035, attached as Appendix 'A' to Staff Report DEV-21-054.