



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
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Esquimalt, B.C. V9A 3P1

## Legislation Details (With Text)

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**Title:** Rezoning Application - 482 Lampson Street  
Staff Report No.: APC-21-016

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**Attachments:** 1. Appendix A - Map, Air photo, RD-4 zone, 2. Appendix B - BCLS Site Plan, Architectural drawings, Landscape Plan, 3. Appendix C - Letter to Mayor & Council & Green Building Checklist, 4. Appendix D - Applicants APC presentation

Date	Ver.	Action By	Action	Result
7/20/2021	1	Advisory Planning Commission	denied	Fail

## REQUEST FOR DECISION

**DATE:** July 14, 2021

Report No. DEV-21-016

**TO:** Chair and Members of the Advisory Planning Commission

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

**SUBJECT:**

Rezoning Application - 482 Lampson Street

### RECOMMENDATION:

The Esquimalt Advisory Planning Commission recommends that the application for rezoning, which would facilitate the future construction of a duplex to be located behind the existing home as sited in accordance with the BCLS Site Plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received June 29, 2021", and incorporating the height and massing consistent with the architectural plans prepared by McNeil Building Designs Limited, stamped "Received June 29, 2021" be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application; including reasons for the chosen recommendation.

### 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:**

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

## **BACKGROUND:**

Appendix A: Map, Air photo, and RD-4 zone  
Appendix B: BCLS Site Plan, Architectural drawings, Landscape Plan  
Appendix C: Applicant's letter, Green Building Checklist  
Appendix D: Applicant's presentation to APC

## **PURPOSE OF APPLICATION:**

The applicant is requesting a change in zoning from Two Family DADU Residential [RD-4] to a Comprehensive Development District [CD], to create a development where the existing single family dwelling is retained, and a new two family dwelling (duplex) is built in the backyard.

This site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 3 - Enhanced Design Control Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation, of the Esquimalt Official Community Plan Bylaw, 2018, No. 2922. Should this rezoning application be approved, a Development Permit would be required to ensure that the application is generally consistent with the Development Permit Area guidelines prior to a building permit being issued.

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/ Designer: Ron McNeil, McNeil Building Designs Limited

Owner: Shawna Goupil

Property Size: 950.6 m<sup>2</sup> (10232.38 sq. ft.)

OCP Land Use Designation:

Current: Low Density Residential [No change proposed]

Proposed: Low Density Residential [No change proposed]

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

Proposed Zoning: Comprehensive Development District [CD]

Existing Land Use: Single Family Residential

Proposed Land Use: Single Family Residential and Two Family Residential (3 principal units on a strata property)

Surrounding Land Uses:

North: Two-family residential

South: Single family residential

East: Two-family residential

West: Single & Two-family residential

## OFFICIAL COMMUNITY PLAN [OCP] ANALYSIS:

The proposed development of a new two-family (strata duplex) dwelling located behind the existing dwelling is consistent with the Present and the Proposed Land Use Designations of 'Low Density Residential'; therefore, an amendment to the Official Community Plan (OCP) is not necessary. The following OCP objectives and policies can be useful in evaluating 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 inclusion of detached accessory dwelling units on appropriate low density residential land use designated areas where only one principal dwelling unit exists. (*Note: Detached accessory dwelling units are generally smaller than the principal building and owned by the same landowner.*)
- 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.

### 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.

### 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.

### 13.3.3 Building Energy Efficiency

OBJECTIVE: To reduce building emissions by increasing energy efficiency in new buildings.

- Policy - Adopt best practices based on evolving building technologies and materials.
- Policy - Encourage the adoption of passive, efficient, and renewable energy systems in new

buildings and during building retrofits.

- Policy - Investigate options for encouraging developers to achieve high energy performance in new developments through such tools as density bonusing, expedited permit approval process, rebate of development fees, revitalization tax exemption, and other incentives.
- Policy - Pursue higher energy-efficiency performance in new developments, through the achievement of higher steps in the BC Energy Step Code as an amenity associated with rezoning.
- Policy - Encourage heritage preservation and the re-use of existing buildings where possible.

### **Development Permit Guidelines:**

Though the Development Permit [DP] 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 - Enhanced Design Control Residential
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction
- Development Permit Area No. 8 - Water Conservation

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 20 - Development Permit Area No. 3 - Enhanced Design Control

#### 20.5 Guidelines - Duplex Housing

- The fronts of the buildings should be designed to create the appearance of smaller structures either by staggering the dwelling units or visually breaking up the façade with architectural detailing while still maintaining a complementary streetscape.
- Innovative and creative site-specific two-unit dwellings are encouraged where usable open space is maintained either on the ground (yard) or as rooftop gardens. Setbacks to the street may be reduced to maximize property use.
- Side by side, up and down, or staggered unit configurations are preferred as these result in a greater number of units facing the street, less disruption of privacy, and a more equitable division of outdoor amenity areas between the two dwelling units.
- Rooflines of new development should relate in height, shape, and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid having large unbroken sloped roof areas facing the street.
- To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas, and prominent front doors is encouraged.
- Buildings should be designed to minimize visual intrusion on to the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks, and patios into the building or by screening them with latticework or landscaping. Windows should be spaced so that they do not align directly with those of other buildings.
- The height and massing of new two-unit dwellings should be designed to minimize the casting of shadows on to the private outdoor space of adjacent residential dwellings.
- The provision of private open space should be part of an overall site development and landscape plan and should take into consideration general site circulation patterns (including parking), existing landscape features, sun access, privacy, and usability.
- Retention and protection of trees and the natural habitat is encouraged where possible.

- Parking areas, garages and driveways should appear as a minor component of the site when viewed from the street. The building of curving access roads and driveways helps to avoid views from the street of large expanses of paving. The use of shared driveways is encouraged.

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:**

Within Zoning Bylaw 1992, No. 2050 the current zoning for the subject property is Two Family DADU Residential [RD-4] with the adoption of the RD-4 zone on June 14, 2021.

The RD-4 zone allows a two family residential dwelling (duplex) to be constructed, or a single family residential building with either a secondary suite or a detached accessory dwelling unit. Not more than one principal building. Since the proposal is for a two family dwelling and a single family dwelling to allow three dwelling units, the applicant is requesting a rezoning of the property to a Comprehensive Development District [CD] zone, to increase the density.

The new CD zone would permit the following uses: two family residential, single family residential, home occupation, and urban hens; and would provide unique regulations for the proposed buildings. The following chart compares the requirements of the RD-4 zone with the proposal.

	<b>RD – 4 zone</b>	<b>Proposed CD Zone</b>	
<b>Parcel Size</b>	668 m <sup>2</sup> - minimum	950.6 m <sup>2</sup>	
<b>Floor area ratio (FAR)</b>	0.40 for properties less than 800 m <sup>2</sup> 0.35 for properties greater than 800 m <sup>2</sup>	0.46	
<b>DADU unit size vs Proposed duplex unit size</b>	65 m <sup>2</sup>	168.4 m <sup>2</sup> (x 2 units) (including basement)	
<b>Lot coverage</b>	30 %	32 %	
<b>Rear yard lot coverage</b>	25%	27%	
<b>Building height</b>	7.3 m  DADU = 4.2 m	Existing 5.67 m	New 7.01 m (7.45 m to parapet)
<b>Setbacks</b>			
• Front	7.5 m	7.5 m (5.2 m to the front stairs)	
• Rear	7.5 m	4.0 m	
• Interior Sides	1.5 m/ 3.0 m	Existing = 3.5 m & 5.2 m Proposed = 4.2 m & 4.0 m	
<b>Building separation</b>	2.5 m to DADU or accessory building	8.0 m (existing deck to front of new building)	
<b>Off-street parking</b>	1 space per dwelling unit	1 space per dwelling unit + 1 visitor	

The proposal exceeds the 0.35 Floor Area Ratio that would be permitted in the Two Family DADU Residential [RD-4] zone for lots that are greater than 800 square metres. The proposed building has a floor area that is greater than the existing house. The basement of the existing house is included in the calculation, as it is largely above ground, whereas the proposed building basement is below ground so it is not included in the calculation. The existing house floor area is 201.4 m<sup>2</sup> and the proposed duplex is 231.8 m<sup>2</sup>.

The proposed building has a larger footprint than would be allowed for detached accessory dwelling units with a rear yard lot coverage over 25%.

## **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 proposal provides enough parking that would comply to the parking bylaw with four proposed parking spaces behind the front face of the principal building.

Bicycle storage for all units appears to be located under the deck of the existing home, along with the garbage/recycling.

## **COMMENTS FROM OTHER DEPARTMENTS:**

Community Safety Services (Building Inspection): No concerns. Subject to review for Building Code and Bylaw compliance at time of Building Permit application.

Engineering Services: A preliminary review reveals that the subject property is connected to both the Municipal Sewer System and Drainage System, with new services installed in 2016. The proposed development is to have Services as per Bylaw 2175 (Subdivision and Development Control Bylaw), including, but not limited to, new sewer and drain connections, and underground H/T/C. New curb, gutter and sidewalk along the frontage may also be required. According to Bylaw 2175, including all Schedules, the developer may be required to provide all Works and Services up to the road centerline.

Parks: A tree cutting permit application must be submitted for all trees you are requesting to remove. No trees are to be removed without an approved tree cutting permit. Tree protection fencing must be erected, at the dripline, for all trees in the construction area, prior to any work commencing.

Fire Services: Subject to further review for Code and Bylaw compliance at time of Building Permit application. Consideration of access and addressing suggested.

## **ISSUES:**

Is the addition of the proposed duplex to be located behind the existing house, and having FAR, setbacks, height, lot coverage and parking as presented, appropriate in this location?

The Advisory Planning Commission has two alternatives to choose from.

## **ALTERNATIVES:**



1. Forward the application for rezoning to Council with a recommendation of approval including reasons for the recommendation.
2. Forward the application for rezoning to Council with a recommendation of denial including reasons for the recommendation.