



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 18-122, Version: 1

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### REQUEST FOR DECISION

**DATE:** March 14, 2018

Report No. DEV-18-015

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

**FROM:** Trevor Parkes, Senior Planner and Bill Brown, Director, Development Services

**SUBJECT:**

Official Community Plan Amendment and Rezoning (Comprehensive Development District) - 1052 Tillicum Road

**RECOMMENDATION:**

1. That Council, upon considering comments made at Public Hearing, resolves that Official Community Plan Bylaw, 2006, No. 2646, Amendment Bylaw No. 2913, attached as Schedule 'A' to Staff Report DEV-18-015, which would amend Official Community Plan Bylaw, 2006, No. 2646 by changing the Land Use Designation and relevant Development Permit Area of PID 001-863-185, Lot C, Section 10, Esquimalt District, Plan 11683 [1052 Tillicum Road] shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2913, from Single and Two-Unit Residential to Townhouse Residential and from Development Permit Area No. 5, Enhanced Design Control Residential, to Development Permit Area No. 1, Multi-Unit Residential, **be considered for third reading**; and
2. That Council, upon considering comments made at Public Hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2914, attached as Schedule 'B' to Staff Report DEV-18-015, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 001-863-185, Lot C, Section 10, Esquimalt District, Plan 11683 [1052 Tillicum Road] shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2914 from RD-1 [Two Family Residential] to CD No. 106 [Comprehensive Development District No. 106], **be considered for third reading**; and
3. That, as the applicant wishes to assure Council that parking will be provided and remain as stated in Bylaw No. 2914, the applicant has voluntarily agreed to register a Section 219 covenant on the title of 1052 Tillicum Road in favour of the Township, Council direct staff and the Township Solicitor to coordinate with the property owner to ensure that a S.219 covenant addressing the aforementioned issues is registered against the property title prior to returning Amendment Bylaw No. 2913 And Amendment Bylaw No.2914 to Council for consideration of adoption.

**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

## **STRATEGIC RELEVANCE:**

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

## **BACKGROUND:**

### **Purpose of the Application**

The applicant is requesting a change in Official Community Plan Land Use Designation and Zoning from the current OCP land use designation of Single and Two Unit Residential to Townhouse Residential and a change in zoning from the current RD-1 [Two Family Residential] zone to CD No.106 [Comprehensive Development District No. 106]. These changes are required to accommodate the proposed five strata townhouse residences to be constructed in two buildings on the subject property.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed height, density and massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, how the building relates to adjacent and surrounding sites, and whether the proposed uses are appropriate and consistent with the overall direction contained within the Official Community Plan.

Specific form and character issues relating to the aesthetics of the building, such as cladding materials, window materials, doorways, streetscape improvements and landscaping, will be evaluated in a separate application for Development Permit should this OCP amendment and rezoning application be approved by Council.

### **Timeline**

- September 18, 2017: Application for rezoning received by Development Services
- October 11, 2017: Application presented to Design Review Committee
- October 17, 2017: Application presented to Advisory Planning Commission
- December 20, 2017: Application was returned to Design Review Committee
- February 26, 2018: Amendment Bylaw No. 2913 and amendment Bylaw No. 2914 prepared by staff and presented to Council for consideration of first and second reading
- March 6, 2018: Public Hearing Mail Notices sent to tenants and owners of property located within 100m of the subject property and sign on frontage of property updated
- March 9, 2018 and March 14, 2018: Victoria News advertisements run detailing proposal and date, time and location of Public Hearing
- March 19, 2018: Amendment Bylaw No. 2913 and Amendment Bylaw No. 2914 presented to Council for Public Hearing and for consideration of third reading

### **Context**

Applicant: Zebra Design [David Yamamoto]

Owner: Harbans Johl

Property Size: Metric: 980 m<sup>2</sup> Imperial: 10,548 ft<sup>2</sup>

Existing Land Use: Two Family Residence

Surrounding Land Uses:

North: 10 Townhouses/ Esquimalt Gorge Park

South: Two Family Residential

West: Single Family Residential

East: Single Family Residential/ Commercial [Gorge Point Pub]

Existing OCP Designation: Single and Two Unit Residential

Proposed OCP Designation: Townhouse Residential

Existing Zoning: RD-1 [Two Family Residential]

Proposed Zoning: CD [Comprehensive Development District]

### **Schedules**

Schedule A: Bylaw 2913 - Bylaw to Amend OCP Bylaw, 2006, No. 2646;

Schedule B: Bylaw 2914 - Bylaw to Amend Zoning Bylaw, 1992, No. 2050;

Schedule C: OCP Amendment Notification Letter;

Schedule D: Subject Property Map, Air Photo, OCP LUD Map and RM-3 Zone;

Schedule E: Developer Narrative;

Schedule F: Developer Green Features List;

Schedule G: Developer Notice of Public Open House;

Schedule H: Letter of Opposition;

Schedule I: Public Hearing Mail Notice; and

Schedule J: Architectural Drawings, Concept Colour Board, Concept Landscape Plan and BC Land Surveyor Site Plan.

### **Comments From Other Departments**

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

**Building Inspection:** Design shall be BC Building Code and municipal bylaw compliant. Should application be approved plans will be reviewed for compliance with BC Building Code upon submission of a Building Permit.

**Engineering Services:** Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the five townhomes proposed to be located at 1052 Tillicum 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

and underground hydro, telephone and cable services. New gutter, curb and sidewalk along the Tillicum Road frontage may also be required. 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:** No concerns with this proposed development plan.

**Parks Services:** No protected trees are present on the site and the concept landscape plan appears appropriate.

**Comments from Design Review Committee:**

This application was originally considered at the regular meeting of DRC held on October 11, 2017. Members' comments were generally supportive of this proposal with members stating that taller buildings with higher density are appropriate in the context of this gateway portion of Tillicum Road. Members raised concerns regarding the grading of the site as it relates to pedestrian access, vehicular maneuvering and the relationship between the private and public realm. Additional comments were provided regarding the need for privacy between units within the project, the vulnerable location of the garbage facility to vehicle damage, the need for clear sightlines from the drive aisle to the sidewalk and the questionable functionality of the steep access ramp.

The DRC recommended to Council that the application be amended and presented again to the Design Review Committee with a focus on addressing the following:

1. Consider refining the massing of the buildings (a 3D model or renderings would be helpful);
  2. Consider an increase to the width of the maneuvering aisle;
  3. Reconsider the setbacks as they relate to privacy of adjacent units and uses;
  4. Reconsider location of garbage services as it relates to the maneuvering of vehicles;
  5. The relationship of the grade of the ramp with the walls and landscaping proposed;
  6. The pedestrian movement throughout the project; and
  7. Consider adding space in front of the individual dwelling units.
- The reason: The proposal as presented raises a number of concerns as identified in the motion.

**Comments from Advisory Planning Commission:**

This application was considered at the regular meeting of APC held on October 17, 2017. Members received the concept of townhouses at this site favourably; however, concerns were raised regarding the massing of the project, pedestrian access to the site, and the request for density marginally higher than the maximum base density identified in the Official Community Plan. The APC forwarded the application to Council with a recommendation for approval with the condition that the Floor Area Ratio be reduced to .70 or less.

The reason: Townhouse residential is a desirable building form to add density to the community.

**Applicant Response to DRC and APC:**

In response to the recommendations from both the DRC and APC, the applicant's design team revised the project plans in an effort to address the identified concerns. An amended set of architectural and landscape plans, stamped "Received October 31, 2017", has been presented to staff with the applicant requesting the amendments be forwarded to the DRC for re-consideration. Specific changes identified by the applicant include the following:

- Both Building A and Building B and their respective base elevations have been lowered by .5m, thus reducing perceived building mass.
- The drive aisle between the two buildings has been increased in width from 7.3m to 7.6m.
- Reduction of the site elevation by .5m results in additional privacy afforded to the property located adjacent on Gosper Crescent. *Staff note that 1.8m fencing is proposed to separate the individual unit yards at grade and a requirement for the use of privacy [translucent or opaque] glass can be resolved when a Development Permit is sought should this rezoning application be approved.*
- Waste bins have been relocated to north side of the access ramp within enclosures crafted of horizontal slatted wood.
- The access ramp has been reduced to 11% from a 14% gradient and the retaining wall on the south side of the ramp has been set back from the ramp and includes a shallower curvature.
- The setback area abutting the south side of the access ramp is now employed for additional planting and landscaping.
- A designated pedestrian path of differentiated pavers has been introduced within the 6.0m access drive, located on the south side of the access ramp.
- The wall at the sidewalk has been reduced to 2' (0.6m) high, and the surmounting fence eliminated to create a friendlier edge and to improve sightlines from the driveway. *Staff note the west retaining wall has also been relocated to the back of sidewalk thereby eliminating a potential maintenance issue and clearly defining the edge of the public realm.*
- A common gate at the sidewalk has been introduced along with stairs which split to feed the private patios of each unit of Building A.
- Access paths adjacent to both sides of Building B leading to the backyards of Unit 3 and Unit 5 have been introduced.
- The drive aisle width has been increased by 1' (0.3m) and Unit 3 and Unit 4 have been moved back by 1'8" and 1'6" respectively, thus increasing entry depth. In addition, each entry has been defined by paving colour and pattern.
- Floor Area Ratio for the project has been reduced from 0.74 to 0.70 by enlarging garage areas.
- Bicycle storage has been created within the enlarged garages for not less than two bikes per unit.
- Single bicycle lock-ups were added to three of the units at the entries, and two lock-ups were added abutting the waste centre adjacent to the drive aisle.

The application was reconsidered at the regular meeting of DRC held on November 8, 2017. Members complimented the applicant for the elegant solutions to the issues identified by the DRC, that this project would relate well to the existing project to the north, and that the enlarged garages were a positive change as they would provide needed storage space. The DRC forwarded the application to Council with a recommendation for approval as the applicant has addressed all concerns raised by the DRC at the October 17, 2017 meeting.

### **Official Community Plan**

This proposal is not consistent with the current Land Use Designation applied to the subject property, "Single and Two Unit Residential". The proposal for five, grade accessible, townhome units requires the OCP Land Use Designation be amended to "Townhouse Residential". OCP Section 2 - Managed

Growth - Land Use and Development Objectives and Policies apply when considering this application.

Section 2.0.2 (c) - states the Township may consider flexibility in the land use designations along the land use boundaries on Schedule “A” provided the policies underlying the designation are maintained.

Section 2.2 - Residential Land Use of the Official Community Plan recognizes that modest growth is likely to occur through the infilling of vacant or under-utilized 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. Objectives and policies contained in Section 2.2 are intended to ensure that this growth occurs in a manner that maintains and enhances individual neighbourhoods and the community as a whole.

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. This proposal for five townhomes is substantially consistent with the policies contained in this section with the following exceptions:

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 development near a Major Road as shown on ‘Schedule B’ of the Official Community Plan. The subject property is located on Tillicum Road which 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(f) states “wherever desirable and achievable, consideration will be given for special needs and assisted housing, including seniors, disabled persons and families”. The proposed units are going to be marketed to young families and it is not expected that the units will incorporate accessible nor adaptable features.

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 bicycle lockups should be provided in a ratio of 1.5 per unit and not less than 6 lockups should be provided for the use of visitors. The applicant has amended plans to accommodate two bicycle lock-ups in each garage while also accommodating a total of 5 independent lock-ups for use of visitors. Staff are of the opinion this approach to providing bicycle facilities is consistent with the direction of the OCP.

Section 2.2.4.2 Townhouse Residential states that in the Townhouse Residential areas designated on "Schedule A" of the OCP, new buildings up to three storeys with a Floor Area of up to 0.70 may be acceptable provided the neighbours are consulted and the design responds effectively to its site and surrounding land uses.

Section 3.3.1(a) Affordable Housing Objectives states that the Township should encourage a range of housing by type, tenure, and price to ensure that people of all ages, household types, abilities and incomes have a diversity of housing choice in Esquimalt.

Section 9.3 Development Permit Area No. 1 - Multi-Unit Residential contains Development Permit Guidelines for land designated Multi-Unit Residential. As the Development Permit is not being considered at this time it would be inappropriate to address these guidelines at this time.

## **Zoning**

**Density, Lot Coverage, Siting and Setbacks:** The following chart compares the setbacks, lot coverage, floor area ratio and parking of this proposal with the requirements of the RM-3 [Multiple Family Residential Zone]:

	<b>RM-3 (MF Townhouse)</b>	<b>CD 106 Zone (5 Townhouse Units)</b>
<b>Minimum Unit Size</b>	75 m <sup>2</sup>	130 m <sup>2</sup>
<b>Floor Area Ratio</b>	0.60	0.70
<b>Lot Coverage</b>	25%	34%
<b>Setbacks:</b>		
<b>Front</b>	7.5 m	5.2 m
<b>Rear</b>	7.5 m	5.0 m
<b>Side</b>	4.5 m/ 4.5 m	2.6/ 2.5 m
<b>Building Height</b>	9.0 m	9.2m
<b>Off Street Parking</b>	10 spaces	8 spaces

**Floor Area Ratio:** FAR measures buildable space in ratio to the size of the lot on which a building sits. The combined F.A.R of this proposal has been reduced to 0.70 which is greater than the 0.60 maximum allowable in the RM-3 zone but is consistent with the maximum FAR of 0.70 identified within the OCP that is achievable without the requirement for provision of amenities.

**Lot Coverage:** The combined Lot Coverage is 34% which is substantially greater than the 25% maximum permitted in the RM-3 [Multiple Family Residential] zone.

**Height:** High density Townhouse Developments in Esquimalt are limited to a height of 9.0 metres measured to the mid-height of the roof from average grade. The applicant proposes two buildings of different height, the tallest of which measures 9.2 metres, marginally higher than the established standard.

**Setbacks:** This proposal requires a reduction to the front setback requirements of the RM-3 zone from 7.5m to 5.2m to the front decks located on the second storey and 6.8m to the front face of the principal building. The north interior side setback is reduced from 4.5m to 2.6m to the overhang of the principal building while the south interior side setback is reduced from 4.5m to 2.5m to the overhang of the principal building. In addition, the rear setback is reduced from 7.5m to 5.0m to the second storey deck and 6.4m to the foundation of the building.

**Parking:** Parking Bylaw, 1992, No. 2011 requires 2 parking spaces per unit be provided “behind the front face of the principal building” for Townhouse developments. This proposal incorporates a single car garage in each unit and an additional 3 visitor parking spaces thereby failing to satisfy this standard. Notwithstanding this inconsistency with the current Parking Bylaw requirement, staff are of the opinion that the provision of 3 visitor spaces is sufficient for a five unit development. Staff have recommended to the applicant that these units be secured as Visitor Parking spaces thereby ensuring they cannot be dedicated to any one unit for exclusive use. The applicant has voluntarily agreed to register a S.219 covenant in favour of the Township securing these spaces permanently.

## ISSUES:

### 1. Rationale for Selected Option

The proposed five-unit townhouse development is not consistent with the current OCP land use designation; however, there are a number of OCP policies which support the use of this parcel as Townhouse Residential. The subject property is located on a major road and transit route where densification is desirable, it is a “gateway” location being the second privately held parcel on the west side of Tillicum Road and it is located in close proximity to Esquimalt Gorge Park and local commercial services. Both the DRC and APC have recommended approval of the application with conditions. The applicant has managed to respond to the conditions and as such, has improved the proposal. The applicant has expressed interest in delivering units that may be affordable and appealing for young families.

### 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

In place of the Esquimalt Green Building Check List, the applicant has provided a list of green features that will be considered for inclusion in the development should it be approved [Schedule F].

5. Communication & Engagement

The application was circulated to local First Nations and outside agencies for comment on January 23, 2018. To date, no comments have been received as a result of this circulation. [Schedule C]

The applicant held a Public Open House [Schedule G] and met with various neighbours on November 22, 2017 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2971.

As this is an OCP amendment and a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property on March 6, 2018 [Schedule I]. Notice of the Public Hearing was printed in the March 9<sup>th</sup> and March 14<sup>th</sup> editions of the Victoria News and the sign indicating that the property is under consideration for a change in zoning that has been installed on the Esquimalt Road frontage since September 2017 was updated to show the date, time and location of the Public Hearing.

To date, staff has received one letter from a local resident, opposing this proposal [Schedule H].

**ALTERNATIVES:**

1. Council, upon considering comments made at Public Hearing, resolves that Amendment Bylaw No. 2913 and Amendment Bylaw No. 2914 be **read a third time**, and staff be directed to coordinate with the property owner to ensure registration of the S. 219 covenant on the title of the subject property prior to returning Amending Bylaw No. 2913 and Amendment Bylaw No. 2914 to Council for consideration of adoption

2. Council postpone consideration of Amendment Bylaw No. 2913 and Amendment Bylaw No. 2914 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing.]

3. Council defeats Amendment Bylaw No. 2913 and Amendment Bylaw No. 2914.