



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 18-445, Version: 1

REQUEST FOR DECISION

DATE: November 21, 2018

Report No. DEV-18-080

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - 939 Colville Road and 825 Lampson Street

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2942 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 939 Colville Road [PID 005-752-655, Lot 1, Block 1, Section 10, Esquimalt District, Plan 6277] shown cross-hatched on Schedule "A" of Bylaw No. 2942 from Single Family Bed and Breakfast [RS-4] to Comprehensive Development District No. 112 [CD. No. 112]; and by changing the zoning designation of 825 Lampson Street [PID 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277] shown cross-hatched on Schedule "A" of Bylaw No. 2942 from [Comprehensive Development District No. 90 [CD No. 90], to Comprehensive Development District No. 112 [CD. No. 112], **be considered for third reading**; and

2. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-18-080, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 939 Colville Road [PID: 005-752-655, Lot 1, Block 1, Section 10, Esquimalt District, Plan 6277] and 825 Lampson Street [PID: 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- Lot consolidation of 939 Colville Road [PID: 005-752-655, Lot 1, Block 1, Section 10, Esquimalt District, Plan 6277] and 825 Lampson Street [PID: 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277] prior to development, as the proposed CD No.112 Zone does not work unless the parcels are consolidated
- The existing buildings will only be used for their current uses prior to demolition
- The number of dwelling units in the new development will remain at no more than ten [10] units, as stated in Bylaw No. 2942
- Five (5) visitor parking spaces will be provided and remain as illustrated in the landscaping plan, attached in Appendix D of Staff Report DEV-18-080
- One (1) parking space will be provided for the parking of a car share vehicle

- One (1) car share vehicle will be provided
- Ten (10) car share cooperative memberships (one for each dwelling unit) to be owned by the strata and made available for residents of this development
- Conduit for future electric vehicle charging in each of the ten private garages and at the car share vehicle space
- A swale (rain garden) for stormwater management and enhanced habitat
- A bicycle parking area with a bike rack, and
- A constraint on the future strata corporation that the rental of units will not be restricted

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2942 to Council for consideration of adoption.

RELEVANT POLICY:

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

STRATEGIC RELEVANCE:

This Request for Decision supports the following specific strategic objective:

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

BACKGROUND:

Appendix A: Bylaw No. 2942 - Bylaw to Amend Zoning Bylaw 1992, No. 2050, CD-112

Appendix B: SP Map, Air Photo, OCP Maps, Zoning Map, and RM-3 zone

Appendix C: Applicant's Letter to Mayor and Council

Appendix D: Landscape Plan and Architectural Plans

Appendix E: Green Building Checklist and Watt's Transportation Review

Appendix F: Letter from Modo and Car-sharing Agreement

Appendix G: Applicant's Neighbourhood Consultation and Feedback

Appendix H: Mail Notice and Victoria News Advertisements

Appendix I: Public Comment - S. Adams

Purpose of the Application

The applicant is requesting a change in zoning from the current zones of Single Family Bed and Breakfast [RS-4] and Comprehensive Development District No. 90 [CD-90], to create a new Comprehensive Development District [CD-112] to accommodate ten (10) new strata townhouse residences, to be constructed in four (4) buildings, on the two subject properties.

The existing two houses would be demolished, the properties consolidated, and the ten new dwelling units would be constructed. Should the rezoning be approved, the form and character of the buildings

and landscaping would be controlled by a development permit that would be considered by Council at a future date.

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 surrounding sites, and consistency with the overall direction contained within the Official Community Plan.

Context

Applicant: Ryan Jabs, Lapis Homes Ltd.

Owners: Ryan Jabs and Sam Hofer

Property Size:	939 Colville Rd.:	[Lot 1]:	Metric: 974 m2	Imperial: 10484 ft2
	825 Lampson St.:	[Lot 2]:	Metric: 1023 m2	Imperial: 11011 ft2
		Total:	Metric: 1997 m2	Imperial: 21495 ft2

Existing Zoning:

939 Colville Rd.: Single Family Bed and Breakfast Residential [RS-4]

825 Lampson St.: Comprehensive Development District [CD-90] [never built]

Existing Land Use:

939 Colville Rd.: Single Family Dwelling with Bed & Breakfast

825 Lampson St.: Single Family Dwelling

Surrounding Land Uses:

North: Two Family Residential [RD-3]

South: Townhouse Residential [RM-2]

West: Two Family Residential [RD-1]

East: Single Family Residential [RS-1 and CD-32]

Proposed Zoning: Comprehensive Development District [CD No. 112]

Present OCP Designation:

939 Colville Rd.: Townhouse Residential

825 Lampson St.: Low Density Residential

Proposed OCP Designation: Townhouse Residential [no change required]

Zoning

In keeping with other townhouse projects, the proposed Comprehensive Development District zone would contain the following uses: townhouse residential, two family residential, home occupation, and boarding. There are four buildings proposed; two containing three dwelling units, and two containing two dwelling units each.

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

	RM-3 [High Density Townhouse Residential]	Proposed CD Zone 939 Colville Road and 825 Lampson Street
Floor Area Ratio [F.A.R.]	0.60	0.69
Lot Coverage	25%	33%
Setbacks <ul style="list-style-type: none"> • Front (Colville Rd.) • Rear (South) • Side (Lampson St.) • Side (East) 	7.5 m 7.5 m 4.5 m 4.5 m	7.3 m (6.9 m to entry) 3.2 m 3.6 m 3.3 m
Building Height	9.0 m	Building A: 8.07 m Building B: 7.24 m Building C: 8.84 m Building D: 8.54 m
Off Street Parking	2 spaces/ dwelling unit	1.3 spaces/ dwelling unit, [16 spaces] 12 full size, 4 small car [5 dedicated as visitor 1 as a car share space]
Usable Open Space	121.8 m ² / 1624 m ² [7.5% of the area of the parcel]	0 m ² [0 %] conforming to terms of Zoning Bylaw, 1992, No. 2050

The Floor Area Ratio [F.A.R.] of the proposal at 0.70 is greater than the 0.60 F.A.R. permitted in the Multiple Family Residential [RM-3] [high density townhouse or low density apartment development] zone. The Official Community Plan allows for consideration of up to 0.70 F.A.R. for Townhouse Residential. These lots are in an area designated for townhouses. The proposed Lot Coverage at 33% is also greater than the maximum 25% permitted in the RM-3 zone. This proposal requires a small reduction to the front setback (0.2 m), and a 1.3 metre reduction to the rear setback requirements of the RM-3 zone. The tallest proposed building at 8.8 metres in height is below the maximum provided in the RM-3 zone.

A small accessory structure would be located in front of the principal buildings, along the Colville Road frontage. The accessory structure would house garbage, recycling and an electrical room. It measures 9.5 m x 2.7 m and is proposed to be located 3.0 metres from the Colville Road frontage.

The 'Useable Open Space'; as defined in the zoning bylaw, excludes areas used for front yards and parking, and areas with any dimension less than 6.0 metres. This proposal's provision of small private patios does not meet the 7.5 % Useable Open Space requirement contained in the RM-3 zone. There is however, a public park and playground space within 100 metres of this location.

This development will require several retaining walls, located along the south and in the south-east corner of the site. These walls help mitigate the slope on site and enable the buildings to be placed further below street level along the Lampson Street frontage.

Parking and Maneuvering

The proposal provides for 10 resident garages, 3 visitor spaces located towards the back of the site,

two visitor spaces towards the front, and one space towards the front of the property that is being reserved for a car-sharing vehicle. This space is located to be visible and easily accessible, so residents from the neighbourhood can also access the car-sharing vehicle. Parking Bylaw 1992, No. 2011 allows for up to 50% of parking spaces to be small car sized spaces; this proposal has 12 full size spaces and 4 small car spaces.

The maneuvering aisle between the buildings at 7.35 metres wide meets the requirements of the Parking Bylaw. The driveway width at 6.0 metres would provide enough space for the maneuvering of a fire truck through the proposed curves of the driveway.

There is regular bus service in the area, on Lampson Street, with BC Transit routes # 24 and #26, and about 300 metres away on Craigflower Road with route #14. The Walk Score for this area is '64 - Somewhat walkable'.

Official Community Plan

This proposal complies with the 'Townhouse Residential' "Proposed Land Use Designation" (OCP Schedule B) [see Appendix B].

The Official Community Plan supports the expansion of housing types in residential areas. The immediate neighbourhood contains a mix of single family, two-family, townhouse and multi-family housing types.

Section 5 - Housing & Residential Land Use contains policies that are intended to ensure that concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character are addressed.

- Policy - Consider new townhouse residential proposals with a Floor Area Ratio of up to 0.70, and up to three storeys in height, in areas designated 'Townhouse Residential' on the "Proposed Land Use Designation Map", provided the design responds effectively to both its site and surrounding land uses.
- 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.

OCP Section 23 Multi-Family Residential Development Permit Area establishes objectives for the form and character of multi-family residential development. As the Development Permit is not being considered at this time it would be inappropriate to address many of the guidelines, with the following exceptions that are relevant to the discussion of zoning and parking issues:

23.5 Guidelines

1. The size and siting of buildings that abut existing single- and two-unit and townhouse dwellings should reflect the size and scale of adjacent development and complement the surrounding uses. To achieve this, height and setback restrictions may be imposed as a condition of the development permit.
2. New buildings should be designed and sited to minimize visual intrusion on to the privacy of surrounding homes and minimize the casting of shadows on to the private outdoor space of adjacent residential units.
5. Surface parking areas in developments less than five storeys in height, will be situated away from the street and screened by berms, landscaping or solid fencing or a combination of these three.
9. Retention and protection of trees and the natural habitat is encouraged wherever possible.
10. Townhouses will be designed such that the habitable space of one dwelling unit abuts the habitable space of another unit and the common wall overlap between adjoining dwellings shall be at least 50 percent.
14. Provide for building occupants to overlook public streets, parks, walkways and spaces, considering security and privacy of residents.

The property is also included in the following OCP Development Permit Areas: Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, Development Permit Area No. 8 - Water Conservation. Many of the DP area guidelines would be addressed at the Development Permit stage but the following are relevant to the discussion of zoning and parking areas, including in particular, the siting of proposed buildings.

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:

1. Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.
4. 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:

2. 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.
9. Locate civil servicing pipes/lines under driveways or other paved areas to minimize tree root damage. (Note that the majority of trees have their roots in the top 0.6 m of the soil).
10. Design retaining wall spacing and landscape planting areas of sufficient width and depth to support plantings (eg. provide larger spaces for trees).
11. Support the daylighting of portions of the stormwater system for enhanced habitat.

18.5.5 Drainage and Erosion - Measures to control drainage and shoreline erosion.

Where it is reasonable:

1. 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.
4. 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:

1. 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.
2. Build new developments compactly, considering the solar penetration and passive performance provided for neighbouring sites, and avoid shading adjacent to usable outdoor open spaces.
4. Provide space for pleasant pedestrian pathways between buildings.
5. Strategically site buildings to sustain and increase the community's urban forest tree canopy cover.
6. 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:

1. Orient larger roof surfaces to the south for potential use of solar panels or photo-voltaic roofing.
2. Use roof designs that reduce heat transfer into neighbouring buildings, helping reduce the local heat island effect and the need for cooling of buildings in warmer months.
8. Add rooftop patios and gardens, particularly food producing gardens, as they can contribute to local resilience, livability, and reduction in greenhouse gas production by reducing food transportation costs.

24.5.3 Landscaping - Where it is feasible:

2. Choose open space and landscaping over dedicating space to the parking and manoeuvring of private motor vehicles.
3. Conserve native trees, shrubs and soils, thereby saving the cost of importing materials and preserving already sequestered carbon dioxide.

24.5.5 Special Features

4. 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:

1. 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.

Comments from Other Departments

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

Building Inspection: No concerns, subject to review for Building Code and Bylaw compliance at time of Building Permit application.

Engineering Services: Engineering has completed a preliminary review of the proposed development at 939 Colville Road and 825 Lampson Street. The developer should be aware that they may be required to provide Works and Services up to the road centre line, at the expense of the property owner. At a minimum new curb, gutter and sidewalks along the frontage of the proposed development may be required. The development is to have sewer, drain, catch basin and water service connections, as well as underground hydro, telephone, and cable. Additional review and comments will be provided upon receipt of detailed engineering drawings. All proposed Works and

Services shall be as per Bylaw, 1997, No. 2175. It is the responsibility of the applicant to hire a qualified professional for the design and construction supervision of all Works and Services, including construction costs, engineering fees, administrative fees and as indicated in Bylaw No. 2175.

Fire Services: Driveway shall be constructed in a fashion that permits fire department access, minimum six (6) metres wide.

Parks Services: Parks staff have received and reviewed the tree cutting permit application for the removal of four trees which will require replacement with 8 new trees. Protection by tree protection fencing, set up at the drip-line to be provided for neighbouring trees prior to demolition and construction commencing.

Director of Development Services: As this proposal is situated on two lots, the lots would need to be consolidated. Should this rezoning be approved, a Development Permit would be required.

Green Building Features

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

Comments from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on Wednesday, August 8, 2018. The DRC members were supportive of the application.

The DRC made the following motion:

The Esquimalt Design Review Committee [DRC] recommends to Council that the application for a rezoning, authorizing ten (10) townhouse dwelling units as sited on the survey plan prepared by Island Land Surveying Ltd. and incorporating the height and massing consistent with the architectural plans provided by T-Square Design, both stamped "Received July 6, 2018", detailing the development proposed to be located at 939 Colville Road [PID 005-752-655, Lot 1, Block 1, Section 10, Esquimalt District, Plan 6277] and 825 Lampson Street [PID 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277], be forwarded to Council with a recommendation for approval as the height, density, massing and unit size is appropriate and the proposal is consistent with the Official Community Plan.

Recommendation from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on Wednesday, August 21, 2018.

The APC made the following motion:

The application for rezoning, authorizing ten (10) townhouse dwelling units as sited on the survey plan prepared by Island Land Surveying Ltd. and incorporating the height and massing consistent with the architectural plans provided by T-Square Design, both stamped "Received July 6, 2018", detailing the development proposed to be located at 939 Colville Road [PID 005-752-655, Lot 1, Block 1, Section 10, Esquimalt District, Plan 6277] and 825 Lampson Street [PID 000-017-817, Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277], be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; with the condition that there be a housing agreement that prohibits future Strata Councils from restricting rentals; as the proposed development fits well within the neighbourhood and it is an appropriate place to increase density.

It should be noted that the provision to prohibit future Strata Councils from restricting rentals will be incorporated into the Section 219 Covenant as opposed to a Housing Agreement.

ISSUES:

1. Rationale for Selected Option

This proposal complies with the 'Townhouse Residential' 'Proposed Land Use Designation' (OCP Schedule B) and is consistent with the policy direction contained within the OCP for townhouse development. The development would add 'missing middle' family oriented housing to Esquimalt, while encouraging owners and residents to choose alternative, lower carbon transportation solutions. The DRC and the APC have both recommended approval of the project.

The applicant has agreed to enter into a Section 219 Covenant to secure amenities, including: consolidation of the properties, provision of a car share vehicle with a dedicated parking space and ten memberships; a bike parking area with a rack, visitor parking, a rain garden, electric vehicle charging conduit in private garages and at the car-share vehicle space; and to disallow the creation of additional suites within the units, and preventing a future strata corporation from restricting suite rentals.

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

Increasing residential density in existing neighbourhoods is believed to make a community more sustainable. The applicant has proposed providing a car share vehicle, dedicated parking space and memberships to future owners; plans to plant more trees on the site than currently exist, and has committed to managing a portion of the stormwater on site. The applicant has completed the Green Building Checklist [Appendix E].

5. Communication & Engagement

Public Notification

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on November 9, 2018. Notice of the Public Hearing was placed in the November 16, 2018 and November 21, 2018 editions of the Victoria News.

Applicant's neighbourhood meeting submission

The applicant has indicated that they held a neighbourhood meeting (open house) and met with neighbours on July 25, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791. [Appendix G] (Note: Esquimalt Engineering staff have been made aware of the concerns expressed by residents at the neighbourhood meeting.)

ALTERNATIVES:

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2942 be considered for third reading and adoption.
2. Council postpone consideration of Amendment Bylaw No. 2942 pending receipt of additional information. [Note that receipt of new information from the applicant or the public would require a new Public Hearing.]
3. Council defeats Amendment Bylaws No. 2942.