



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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**File #:** 19-274, **Version:** 1

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### REQUEST FOR DECISION

**DATE:** June 4, 2019

Report No. DEV-19-054

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

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

**SUBJECT:**

Rezoning Application - 916 and 920 Old Esquimalt Road

**RECOMMENDATION:**

1. That Council resolves that Bylaw No. 2948 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 916 Old Esquimalt Road [PID 003-446-093; Lot C, Section 11, Esquimalt District, Plan 21636] and 920 Old Esquimalt Road [PID 003-446-395; Lot D, Section 11, Esquimalt District, Plan 21636] from RD-3 [Two Family/Single Family Residential] to CD No. 115 [Comprehensive Development District No. 115], be amended as follows:

- a) In section 67.101 (1) Permitted Uses - delete b) Secondary Suite: subject to the requirements of Section 30.6 and this CD-115 zone, and reassign the sequence remaining uses appropriately; and
  - b) In section 67.101 (4) Density - change "limited to ten" to "limited to five"; and
  - c) In section 67.101 (6) Secondary Suites - delete Section 6; and
  - d) In section 67.101 (10) (d) Fencing - change "not more 2.0 metres" to "not more than 2.0 metres"; and
  - e) In sections 67.101 (7 through 11) - renumber sections to 6 through 10; and
- Amendment Bylaw No. 2948 be given second reading as amended; and

2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2948, and to advertise for same in the local newspaper.

**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 does not directly relate to a specific strategic objective.

## **BACKGROUND:**

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2948

Appendix B: Maps: Property, Air photo, OCP Designation, Zoning, and RS-1, RD-3 zones

Appendix C: Rendering, Shadow Study, Green Building Checklist

Appendix D: BCLS Site Plan, architectural drawings, Landscape Plan

Appendix E: Applicant's public consultation results and petition

Appendix F: Public Comments

## **Purpose of the Application**

The applicant is requesting a change in zoning from Two Family/Single Family Residential [RD-3] to a Comprehensive Development District, to create a development where five new single family dwellings would be constructed on five new lots and where the existing two homes would be demolished.

This site is located within Development Permit Areas: No. 1 - Natural Environment, No. 3 - Enhanced Design Control Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction, and No. 8 - Water Conservation. Should the rezoning application be approved, the applicant would need to obtain a Development Permit with regard to the form and character of the development (including exterior design and finish), landscaping, natural environment, water conservation (stormwater management), energy conservation and greenhouse gas reduction (including exterior lighting).

At this time, consideration of this application should focus on the proposed: land use, siting, height, mass, density, lot coverage, usable open space, parking, fit with the neighbourhood, and consistency with the overall direction contained within the Official Community Plan.

## **Context**

Applicant / Designer: Rus Collins, Zebra Design

Owners: Art Winter - 916 Old Esquimalt Road

Robin Harris - 920 Old Esquimalt Road

Property Size: 916 Old Esquimalt Rd.: Metric: 891 m<sup>2</sup>

920 Old Esquimalt Rd.: Metric: 891 m<sup>2</sup>

Total: 1782 m<sup>2</sup>

Existing Land Use: Single Family Residential

Surrounding Land Uses:

North: Two Family Residential

South: School Playing Fields

West: Single Family Residential

East: Two Family Residential

Existing Zoning: Two Family/Single Family Residential [RD-3]

Proposed Zoning: Comprehensive Development District [CD]

Existing OCP Designations: Present: Low Density Residential

Proposed: Townhouse Residential

## **Zoning**

In keeping with other single unit infill projects, the proposed Comprehensive Development District

zone would contain the following uses: single family residential, home occupation, boarding, and urban hens.

The following tables compare this proposal with the requirements of the RS-1 [Single Family Residential Zone], including; parcel size, floor area ratio, lot coverage, setbacks, height, and parking.

	RS-1 (Single Family)	Proposed CD Zone ( 5 Single Family Houses)		
		Lot A [South-West]	Lot B [South - Centre]	Lot C [South - East]
Minimum Parcel Size	530 m <sup>2</sup>	282 m <sup>2</sup>	282 m <sup>2</sup>	282 m <sup>2</sup>
Floor Area Ratio	0.35	0.49	0.49	0.48
Lot Coverage	30%	36 %	36 %	36 %
Setbacks				
• Front	7.5 m	5.5 m	5.5 m	5.5 m
• Rear	7.5 m	5.5 m	5.5 m	5.5 m
• Side	3.0 m/1.5 m	2.1 m / 1.5 m	2.1 m / 1.5 m	2.1 m / 1.5 m
Building Height	7.3 m	7.3 m	7.3 m	7.3 m
Off Street Parking	1 space	1 space	1 space	1 space

	RS-1 (Single Family)	Proposed CD Zone ( 5 Single Family Houses)	
		Lot D [Centre]	Lot E [North]
Minimum Parcel Size	530 m <sup>2</sup>	303 m <sup>2</sup>	334 m <sup>2</sup>
Floor Area Ratio	0.35	0.45	0.40
Lot Coverage	30 %	34 %	31 %
Setbacks			
• Front	7.5 m	6.0 m (to access route) 7.5 m	6.0 m (to access route)
• Rear	7.5 m	2.0 / 1.5 m	7.5 m
• Side	3.0 m/1.5 m		3.0 m / 1.5 m
Building Height	7.3 m	7.3 m	7.3 m
Off Street Parking	1 space	1 space	1 space

Floor Area Ratio [FAR] measures the size of a building (or all buildings on a lot) as a ratio of the size of the lot on which a building(s) sit. The proposed FAR of each building/lot at 0.49, 0.49, 0.48, 0.45 and 0.40, all exceed the 0.35 that would be permitted in a Single Family Residential [RS -1] zone. In the past, many of the single unit infill developments in Esquimalt have been built with a FAR at or

close to 0.35.

The Lot Coverage amount for three of the lots at 36% is noticeably high when compared to the 30 percent found in the Single Family Residential [RS-1] zone. Setbacks for the buildings are considerably reduced from both the front and rear lot lines for the three proposed houses fronting Old Esquimalt Road.

### **Parking**

Parking Bylaw, 1992, No. 2011, requires one parking space per dwelling unit. In residential zones the parking spaces shall be located no closer to the front lot line than the front face of the principal building. In this proposal each proposed house would have a garage which would satisfy the parking requirement for the principal dwelling unit. The small driveways in front of the garages could potentially hold an additional average sized vehicle; though these would not qualify as a legal parking space by the Parking Bylaw requirement.

There are two BC Transit bus routes [#15 and #26] within 300 metres of this location, and the E & N Rail Trail bike path is within 550 metres.

### **Changes since the First Reading of the Zoning Amendment Bylaw**

At the Regular Council meeting held March 4th, 2019, Council expressed concerns regarding the number of off-street parking spaces provided in relation to the number of dwelling units as secondary suites were proposed for all five homes. Council also indicated the applicant should take steps to encourage alternate modes of transport other than automobiles.

In response to the recommendations and comments received at this Council meeting, the applicant has amended the architectural plans by removing all five secondary suites thereby addressing concerns regarding perceived overcrowding and parking for this project. The project is now compliant with the Township Parking Bylaw requirements.

Furthermore, the applicant has committed to participate in the BC Transit EcoPASS Program for new developments by purchasing five annual passes for one year to be allocated to the residents of each of the new homes. This commitment would be secured via voluntary registration of a S.219 covenant prior to adoption of the proposed CD No. 115 zone.

Additionally, the applicant has incorporated crawl spaces into the design of all five homes to better address the storage needs of residents in an effort to ensure the garages remain available for vehicle storage.

### **Official Community Plan [OCP]**

This proposal is consistent with the Present Land Use Designation [Low Density Residential], therefore the application does not require an OCP amendment.

The following policies and guidelines can be considered in evaluating this development application.

The Official Community Plan supports the expansion of housing types in residential areas. The immediate neighbourhood contains a mix of single family and two-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 - 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.
- Policy - Consider the inclusion of secondary suites in infill developments where it is demonstrated that neighbourhood impacts can be mitigated.

Should Council approve this rezoning, there would be a Development Permit required for each building prior to a building permit being issued; therefore, applicants are urged to consider the DP guidelines early in the process. Many DPA guidelines require that the zoning issues (useable open space, lot coverage, height, density, massing, siting, setbacks, parking, how the building relates to adjacent homes) and natural area/tree protection be considered in order to be able to fulfill the guidelines for a development site.

This site is included within four development permit areas: Development Permit Area No. 1: Natural Environment, DPA 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.

### **Comments from Other Departments**

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

Community Safety Services (Building Inspection): Project will be subject to review for current BC Building Code and municipal bylaw compliance at the time of a Building Permit application.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the proposed development. According to Subdivision and Development Control Bylaw, 1997, No. 2175, including all schedules, the developer may be required to provide all works and services up to the road centre line, including, but not limited to new sewer, drain, catch basin and water service connections, as well as underground hydro, telephone, and cable. New curb and gutter along Old Esquimalt Road would be required.

The applicant is responsible for retaining the services of qualified professionals for the design and

construction supervision of all works and services, including construction costs, engineering fees, administrative costs and contingency allowance, as indicated in Bylaw 2175. Additional comments provided when detailed engineering drawings are submitted.

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

Fire Services: The applicant worked with the fire services staff to develop a satisfactory driveway width to service the proposed northern two lots (Lot D and E).

### **Recommendation from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on July 17, 2018. The APC members supported this application and made the following motion:

The application for rezoning, authorizing five new family dwellings to be constructed on five new lots, where the existing two homes (on two lots) would be demolished, sited in accordance with the BCLS Site Plan prepared by Scott Pearce, Powell & Associates, BC Land Surveyors, stamped "Received June 12, 2018"; and incorporating the height and massing consistent with the architectural plans prepared by Zebra Residential Design, stamped "Received June 6, 2018" be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposal will increase density, consistent with the neighbourhood and with an attractive building design.

### **ISSUES:**

#### **1. Rationale for Selected Option**

The Advisory Planning Commission has recommended approval of this application.

The applicant has indicated a willingness to enter into a Section 219 Covenant to secure amenities, including: an electric vehicle charging station in each garage, provision of a transit pass to residents of the homes for not less than one year, buildings to meet a minimum BC Building Code Step 1, and a commitment to subdivide as proposed [as the CD No. 115 zone only works for this subdivision]. BC Building Code Step 1 involves demonstrating that a new residential building will meet or exceed the minimum energy-efficiency requirements in the base BC Building Code by measuring airtightness and energy performance.

Issues with this proposal include: the number of dwelling units, building size and lot coverage, and the creation of a panhandle like subdivision of single family homes where the OCP Proposed Land Use Designation supports a potential townhouse residential project.

#### **2. Organizational Implications**

This Request for Decision has no significant organizational implications.

#### **3. Financial Implications**

This Request for Decision has no significant financial implications.

#### **4. Sustainability & Environmental Implications**

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

**5. Communication & Engagement**

Public Notification

As this is a rezoning application, should it proceed to a Public Hearing, notice would be mailed to tenants and owners of properties within 100 metres of the subject property. A sign indicating that each property is under consideration for a change in zoning has been placed on the Old Esquimalt Road frontage of each property 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.

Applicant's neighbourhood meeting submission - [Appendix E]

The applicant has indicated that they canvassed the neighbourhood, and held a public meeting on August 22, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

**ALTERNATIVES:**

1. That Council give Bylaw No. 2948 second reading as amended, and direct staff to schedule a Public Hearing.
2. Council postpone consideration of Bylaw No. 2948 pending receipt of additional information.