



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

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REQUEST FOR DECISION

DATE: August 13, 2019

Report No. DEV-19-068

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - 937 Colville Road

RECOMMENDATION:

1. That Council resolves that Bylaw No. 2975 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277], shown cross-hatched on Schedule "A" of Bylaw No. 2975, from Single Family Residential [RS-1] to Comprehensive Development District No. 126 [CD. No. 126], be considered for 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. 2975, 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
Declaration of Climate Emergency
Parking Bylaw, 1992, No. 2011
Development Application Procedures and Fees Bylaw, No. 2791, 2012
Advisory Planning Commission Bylaw, 2012, No. 2792

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:

Purpose of the Application

The applicant is requesting a change in zoning from the current zone of Single Family Residential

[RS-1], to create a new Comprehensive Development District [CD-126] to accommodate six new strata townhouse residences, to be constructed in one building on the subject property. The existing house would be demolished and the new building containing the six stacked townhomes 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 OCP.

Appendices

Appendix A: Bylaw No. 2975 - Amendment to Zoning Bylaw 1992, No. 2050, CD-126

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

Appendix C: Architectural Plans, Landscape Plan and BCLS

Appendix D: Applicant's Letter to Mayor and Council - Dec 2018

Appendix E: Applicant's Response Letter after DRC - Aug 2019

Appendix F: Esquimalt Green Checklist

Appendix G: Watt Consulting Group - Transportation Review

Appendix H: Applicant's Neighbourhood Consultation and Feedback

Appendix I: Public Feedback

Timeline

Design Review Committee - February 13, 2019

Advisory Planning Commission - May 21, 2019

Esquimalt Council - Consideration of first and second reading, August 19, 2019

Context

Applicant: Ryan Jabs, Lapis Homes Ltd.

Owners: Lapis Homes Ltd. (Ryan Jabs) and 1156835 B.C. Ltd., Inc. No.BC1156835 (Jesse Cook)

Property Size: Metric: 640 m² Imperial: 6895 ft²

Existing Zoning: Single Family Residential [RS-1]

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Two Family/Single Family Residential [RD-3]

South: Single Family Residential [CD-32]

West: Townhouse Residential [CD-112]

East: Single Family Residential/ Meditation Centre [CD-70]

Proposed Zoning: Comprehensive Development District [CD No. 126]

Present OCP Designation: Low Density Residential [no change required]

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 and Home Occupation.

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 [High Density Townhouse Residential Zone]:

	RM-3 [High Density Townhouse Residential]	Proposed CD Zone 937 Colville Road
Floor Area Ratio [F.A.R.]	0.60	0.68
Lot Coverage	25%	33%
Setbacks <ul style="list-style-type: none"> • Front (Colville Rd.) • Rear (South) • Side (West) • Side (East) 	7.5 m 7.5 m 4.5 m 4.5 m	0 m to stairs (2.3 m to building) 11.8 m to stairs (13.7 to building) 3.7 m to balcony (5.4 to building) 0.98 m to balcony (3.1 m to building)
Building Height	9.0 m	9.1 m
Off Street Parking	2 spaces/ dwelling unit	0.8 spaces/ dwelling unit, 4 small car spaces 1 full size space [full size space dedicated as visitor parking]
Usable Open Space	48.04 m ² / 640.5 m ² [7.5% of the area of the parcel]	0 m ² [0 %] conforming to terms of Zoning Bylaw, 1992, No. 2050 A small rain garden with bench is proposed in south-east corner of lot.

The F.A.R. of the proposal at 0.68 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 OCP 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 the elimination of the front setback (7.5 m reduction), and a significant reduction to the east side setback to 0.98 m from the 4.5m requirement in the RM-3 zone. The front stairs of the proposed building are sited on the front lot line with the front wall of the building placed 2.3m from the street. This siting approach maintains a building sufficient in size to accommodate the proposed six units while facilitating installation of a maneuvering aisle and parking spaces at the back of the site, screened from the street. The proposed approach also serves to mitigate the impact of the larger mass building on the single family homes to the south. Both Screening the parking and mitigating the impact on neighbouring properties is consistent with direction contained within the OCP. The building is proposed to be 9.1m in height, a nominal increase above the maximum provided in the RM-3 zone.

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 small passive space provided for in the southeast corner of the site as well as a public park and playground space within 100m of the subject property.

This development will require a long, tall retaining wall located along the west and south lot lines. These walls help deal with the slope on site and enable the installation of a viable maneuvering aisle and parking spaces.

Parking and Maneuvering

The proposal provides for only five parking spaces for six dwelling units located at the rear of the lot. Four spaces would be assigned to the two storey units, with the two basement units having no dedicated parking on the site. The remaining full size parking space would be assigned and identified as a visitor parking space. This visitor space, located at the end of the access driveway, may also be used to temporarily accommodate small moving or delivery vans serving the six units. The applicant has provided a traffic and parking assessment completed by Watt Consulting Group [Appendix G]. There is regular bus service in the area, on Lampson Street with transit routes #24 and #26, and about 300 metres away on Craigflower Road with route #14.

Official Community Plan

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

The OCP 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, and 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 building.

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:

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.
2. 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.
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.
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.

24.5.3 Landscaping - Where it is feasible:

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

OCP Section 25 - Development Permit Area No. 8 - Water Conservation - is designated for the purpose of water conservation.

25.5.1 Building and Landscape Design

Where it is feasible:

4. Incorporate rain gardens into landscaping and direct rainwater toward vegetated areas.

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.
3. Avoid disturbing, compacting and removing areas of natural soil, as these are naturally absorbent areas.

Comments from Other Departments

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

Building Inspection: Construct to current BC Building Code and the Township's Building Regulation Bylaw requirements; subject to Code and Bylaw review at time of building permit application.

Engineering Services: Engineering has completed a preliminary review of the proposed development at 937 Colville Road. 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 maybe 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 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.

Green Building Features

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

Comments from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on February 13, 2019. The DRC made the following motion:

The DRC recommends to Council that the application for a rezoning, authorizing six townhouse dwelling units as sited on the survey plan prepared by Island Land Surveying Ltd., stamped "Received November 1, 2018" and incorporating the height and massing consistent with the architectural plans provided by Christine Lintott Architects, stamped "Received October 16, 2018", detailing the development proposed to be located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277], be referred back to the Design Review Committee with a design more consistent with the RM-3 Zone, specifically for lot coverage and height, and with parking more consistent with the neighbouring development, for the reason of better integrating the development into the neighbourhood.

In response to this recommendation and to ensure consistency with the policies contained in the OCP, the applicant has amended the proposed design by altering the front stairs to access only from the west side and by lowering the building into the ground thereby making the height virtually consistent with the RM-3 zone.

Recommendation from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on May 21, 2019. The APC made the following motion:

That the application for a rezoning, authorizing six townhouse dwelling units as sited on the survey plan prepared by Island Land Surveying Ltd., stamped "Received May 14, 2019" and incorporating the height and massing consistent with the architectural plans provided by Christine Lintott Architects, stamped "Received April 23, 2019", detailing the development proposed to be located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277], be forwarded to Council with a recommendation to approve subject to Council considering requiring more green space because the project fits into the neighbourhood but seems to lack green space.

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 indicated support for the project. The applicant has indicated a willingness to enter into a Section 219 Covenant to secure amenities, including: car share memberships, bike rack, a visitor parking space, and forbidding a future strata corporation from restricting any future 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 car share memberships for each unit, has plans to plant many more trees on the site than currently exist, and to manage some stormwater on site. The applicant has completed the Green Building Checklist [Appendix F].

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 100m (328 ft) of the subject property. A sign indicating that the property is under consideration for a change in zoning has been placed on the Colville Road frontage of the 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 neighbourhood meeting submission

The applicant held a neighbourhood meeting (open house) and met with neighbours on February 7, 2019 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791 [Appendix H].

ALTERNATIVES:

1. Council read Bylaw No. 2975 a first and second time, and direct staff to schedule a Public Hearing.
2. Council postpone consideration of Bylaw No. 2975 pending receipt of additional information.