



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-524, **Version:** 1

REQUEST FOR DECISION

DATE: November 27, 2019

Report No. DEV-19-110

TO: Laurie Hurst, Chief Administrative Officer

FROM: Karen Hay, Planner 2 - Development and Bill Brown, Director of Development Services

SUBJECT:

Rezoning and Official Community Plan Amendment Application - 636 and 640 Drake Avenue

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2950 attached as Appendix 'A' of Staff Report DEV-19-110, which would amend Official Community Plan Bylaw, 2018, No. 2922 by amending Schedule B, being the 'Proposed Land Use Designations' map, thereby changing the designation of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565] shown cross-hatched on Schedule 'A', from 'Low Density Residential' to 'Townhouse Residential' be given third reading; and
2. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2951 [Appendix B] of Staff Report DEV-19-110, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565] from RD-1 [Two Family Residential] to CD No. 116 [Comprehensive Development District No. 116], be given third reading; and
3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-19-110, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565] 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 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565] prior to development, as the proposed CD No.116 Zone does not work unless the parcels are consolidated

- buildings to meet a minimum BC Building Code Step 3
- 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 eight [8] units, as stated in Bylaw No. 2951
- Four (4) visitor parking spaces will be provided and remain as illustrated in the landscaping plan, attached in Appendix D of Staff Report DEV-19-110
- An electric vehicle charging station in each of the eight [8] private garages
- An outdoor social area with benches, and a wood arbour
- A screened garbage area
- A drainage field area with overflow to retain a percentage of the stormwater on site
- A bicycle parking area with a bike rack, and
- A constraint on the future strata corporation that the rental of the 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. 2950 and No. 2951 to Council for consideration of adoption.

RELEVANT POLICY:

Declaration of a Climate Emergency

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: Bylaw No. 2950 - OCP Amendment - 636 and 640 Drake Avenue

Appendix B: Bylaw No. 2951 - Zoning Amendment [CD116] - 636 and 640 Drake Avenue

Appendix C: Air photo, OCP Designation & Zoning maps, RM-3 zone

Appendix D: Applicant's Introduction Letter, Green Building Checklist, Tree Plan

Appendix E: Renderings, Architectural Drawings, Shadow Study, Landscape Plan

Appendix F: Neighbourhood meeting minutes

Appendix G: Public Comments

Appendix H: OCP consultation letter and concept plan

Purpose of the Application

The applicant is requesting a change in the Official Community Plan - 'Proposed Land Use Designation' from 'Low Density Residential' to 'Townhouse Residential', and a change in zoning from the current Two Family Residential [RD-1] zone to a Comprehensive Development [CD] zone, to accommodate the proposed eight strata townhouse residences, to be constructed in three buildings

on the subject property. A concomitant amendment is also required to Schedule H of the Official Community Plan to change the development permit area for the subject properties from “Enhanced Design Control Residential” to “Multi-family Residential”.

The existing two duplexes would be demolished and eight 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. The applicant has also offered a Section 219 Covenant to secure some of the features of the development.

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

Context

Applicant/ Owners: Jim Burrows, Burrows Holdings Ltd., Inc. No. 459190; and
Chris Travis, Dimma Pacific Properties Ltd.

Property Size: 636 Drake Ave.: [Lot 3]:	Metric: 843.0 m2	Imperial: 9074.0 ft2
640 Drake Ave.: [Lot 2]:	Metric: 784.0 m2	Imperial: 8438.9 ft2
Total:	Metric: 1627.0 m2	Imperial: 17512.9 ft2

Existing Land Use: 636 Drake St.: Two Family Dwelling
640 Drake St.: Two Family Dwelling

Surrounding Land Uses:

North: Single Family Residential
South: Single Family Residential
West: Single Family Residential
East: Single Family Residential

Existing Zoning: 636 Drake St.: Two Family Dwelling
640 Drake St.: Two Family Dwelling

Proposed Zoning: CD [Comprehensive Development District]

Existing OCP Designation: Low Density Residential [amendment required]

Proposed OCP Designation: Townhouse Residential

Zoning and Parking

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.

The following table compares the floor area ratio, lot coverage, setbacks, height, useable open space, and parking of this proposal with the requirements of the High Density Townhouse Residential Zone [RM-3].

	RM-3 [High Density Townhouse Residential]	Proposed CD Zone 636 & 640 Drake Street
Floor Area Ratio [F.A.R.]	0.60	0.63
Lot Coverage	25%	29%
Setbacks <ul style="list-style-type: none"> • Front • Rear • Side (South) • Side (North) 	7.5 m 7.5 m 4.5 m 4.5 m	6.0 m 6.2 m 4.0 m (3.0 m to decks) 4.0 m (3.5 m to decks)
Building Height	9.0 m	9.0 m
Off Street Parking	12 spaces [8 for townhouses, 4 for duplexes]	12 spaces 1.5 spaces/ dwelling unit, [4 dedicated as visitor]
Usable Open Space	121.8 m ² / 1624 m ² [7.5% of the area of the parcel]	127 m ² [7.8 %] conforming to terms of Zoning Bylaw, 1992, No. 2050

There are eight units proposed, four - 3 bedroom units and four - 2 bedroom units. The F.A.R. of the proposal at 0.63 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 Townhouses, in areas designated for Townhouse Residential. The proposed Lot Coverage at 29% is greater than the maximum 25% permitted in the RM-3 zone.

This proposal requires a 1.3 metre reduction to the front and a 1.5 metre reduction to the rear setback requirements of the RM-3 zone. Drake Street is a narrow street with wide boulevards, where the majority of buildings are located a fair distance away from the roadway, though the house to the south of this location is fairly close to the street.

This proposal's provision of 127 m² [7.8% Useable Open Space] meets the 7.5% Useable Open Space requirement contained in the RM-3 zone. On the Landscape Plan there is an area shown with benches that could become a common social space for residents; plus each unit is provided with a small private outdoor space measuring at least 6 metres by 4 metres in area.

The height of the tallest proposed building at 9.0 metres equals the 9.0 metre maximum provided in the RM-3 zone.

The proposal provides twelve [12] parking spaces; which satisfies the requirements of the Parking Bylaw 1992, No. 2011. Eight [8] of the parking spaces would be provided in resident garages, with three (3) visitor spaces located towards the back of the site and one (1) visitor space located between the two, two-unit buildings. The Parking Bylaw allows for up to 50% of parking spaces to be small car spaces. This proposal has eleven (11) full size spaces, with one space (unit 4) which is a

little shorter than full length, at 5.3 metres instead of 5.5 metres. Most of the garages have extra depth that will allow for storage and bike parking. The manoeuvring aisle meets the required minimum width of 7.3 metres, is located over an existing right of way, and would provide adequate room for a fire truck to access the property.

The size of this development would warrant the use of a private contractor to pick up garbage, kitchen scraps and recycling; so a containment system is proposed towards the back of the lot.

Official Community Plan

This proposal requires an amendment to the “Proposed Land Use Designation” for the subject properties, from “Low Density Residential” to “Townhouse Residential”, and a change to a Development Permit Area designation from “DPA No. 3: Enhanced Design Control Residential” to “Development Permit Area No. 6 - Multi-Family Residential”.

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 - 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.

11.3 Cycling - 11.3.2 New Development

OBJECTIVE: To encourage the inclusion of bicycle facilities in new developments.

- Policy - Encourage developers to provide a variety of end of trip facilities for active

transportation.

- Policy - Encourage bike lockers in multi-unit residential and commercial/ commercial mixed-use developments.

Development Permit Areas [DPA]

There will be a Development Permit required prior to a building permit being issued; therefore, applicants are urged to consider the DPA 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.

Relevant Development Permit Area Guidelines to consider as it relates to the rezoning application include:

OCP Section 18: Development Permit Area No. 1 - Natural Environment

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.
- Narrower manoeuvring aisles, fewer and smaller parking spaces can be considered where natural areas are being conserved.

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

- 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 23: Development Permit Area No. 6 - Multi-Family Residential

To ensure that the development of multi-unit residential sites is compatible with surrounding uses.

- 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.
- 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.
- 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.

- To preserve view corridors and complement natural topography, stepped-down building designs are encouraged for sloping sites.
- Retention and protection of trees and the natural habitat is encouraged wherever possible.
- 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.
- Provide for building occupants to overlook public streets, parks, walkways and spaces, considering security and privacy of residents.
- Provide for slightly raised entrances to ground floor residences along with private yards that are accessible from the fronting street or lane to encourage community interaction.
- Wherever possible, outdoor storage and parking areas should be screened from view.

OCP Section 24: Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction

24.5.1 Siting of buildings and structures.

- 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 to usable outdoor open spaces.
- Provide space for pleasant pedestrian pathways between buildings.
- 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.

- Orient larger roof surfaces to the south for potential use of solar panels or photo-voltaic roofing.
- 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.
- 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

- Choose open space and landscaping over dedicating space to the parking and maneuvering 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

- Reuse of existing buildings and building materials is encouraged.

OCP Section 25: Development Permit Area No. 8 - Water Conservation

25.5.3 Landscaping - Retaining Stormwater on Site (absorbent landscaping)

- 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.

Comments from Other Departments:

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

Building Inspection: 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 636 and 640 Drake 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, and gutter along the frontage of the proposed development. The development will 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 in compliance with Subdivision and Development Control Bylaw, 1997, 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 outlined in Bylaw No. 2175.

Fire Services: Sprinklers will be required for this building as per Building Regulation Bylaw, 2017, No. 2899. Driveway shall be constructed in a fashion that permits fire department access.

Parks Services: Comments as per Talbot and Mackenzie report [Appendix D]; retain and protect trees as per Tree Protection Bylaw. Apply for removals through the Parks department.

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.

Recommendation from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on July 11, 2018. The DRC members supported this application and made the following recommendation:

The Esquimalt Design Review Committee [DRC] recommends for approval with the following conditions:

That the proposal more closely meets the current RM-3 zone, including: a reduction in FAR and lot coverage, and an increase in the useable open space.

The reason: To add flexibility in the design while delivering housing that meets the townhouse form.

Note: The applicants responded to the comments of the DRC members and reduced the size of the proposed buildings, adding more articulation to the upper storey. They have since added a common

gathering space and a bike rack to the landscape design.

Recommendation from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on Tuesday, October 16, 2018. The APC members supported this application and made the following recommendation:

The application for an Official Community Plan Amendment and Rezoning be forwarded to Council with a recommendation to approve; as the proposed development supports the Official Community Plan policies around densification and the provision of missing middle housing types.

Note: The applicants responded to comments of the APC members and added the small decks on third floor looking over the driveway and also the small eaves over the east unit entrances.

Timeline

April 17, 2018 - Rezoning and OCP amendment application received

July 11, 2018 - Design Review Committee provides a recommendation

October 16, 2018 - Advisory Planning Commission provides a recommendation

December 20, 2018 - OCP Amendment Consultation package mailed to agencies on the Council approved list

April 1, 2019 - 1st and 2nd reading of bylaws by Council

December 2, 2019 - Public hearing

ISSUES:

1. Rationale for Selected Option

The Advisory Planning Commission and the Design Review Committee have recommended approval of this application. The applicants have responded to comments from the DRC, the APC, and staff and have improved the proposal over the original submission. The proposed development would add 'missing middle' family oriented housing close to the Esquimalt Town Centre, thereby increasing housing choice in the area. The applicants have sited the buildings to protect many of the existing trees on the site. This application complies with the requirements of Parking Bylaw 1992, No. 2011.

The applicant has indicated a willingness to enter into a Section 219 Covenant to secure on-site amenities, including:

- buildings to meet a minimum BC Building Code Step 3,
- consolidation of the two lots prior to issuance of a development permit,
- an electric vehicle charging station in each garage,
- four visitor parking spaces,
- a visitor bike rack,
- outdoor social area with benches,
- screened garbage area,
- a drainage field area with overflow to retain a percent of stormwater on site,
- a restriction on the creation of additional suites within the units, and
- a restriction on a future strata corporation from limiting future rentals.

BC Building Code Step 3 requires demonstrating that a new residential building will meet or exceed the minimum energy-efficiency requirements of the ERS Reference House in the BC Building Code by 20%, measuring airtightness and energy performance.

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 D]

5. Communication & Engagement

Official Community Plan [OCP] Consultation

The Official Community Plan and Zoning Bylaw Amendment concept plan was circulated to local Aboriginal peoples and other agencies for comment on December 20, 2018. No concerns were raised from these agencies. [Appendix H]

Public Notification

A notice of the public hearing has been mailed to tenants and owners of properties within 100 metres (328 feet) of the subject property. Signs indicating that the properties are under consideration for a change in zoning have been placed on the Drake Avenue frontage of both the properties and have been updated to reflect the date, time and location of the Public Hearing. Additionally, notice of the Public Hearing has been placed in two editions of the Victoria News.

Applicant neighbourhood meeting submission

The applicant has indicated that they held a public meeting (open house) and met with neighbours on June 8, 2018, in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791. [Appendix F]

ALTERNATIVES:

1. That Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2950 and No. 2951 be given third reading, 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 Amendment Bylaw No. 2950 and No. 2951 to Council for consideration of adoption.
2. That Council postpones consideration of Amendment Bylaw No. 2950 and No. 2951 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing.]
3. That Council defeats Amendment Bylaw No. 2950 and No. 2951.