



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-545, **Version:** 1

REQUEST FOR DECISION

DATE: November 27, 2019

Report No. DEV-19-109

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - 937 Colville Road

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, 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 given 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-19-109, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 937 Colville Road [PID 003-679-144, Lot 4, 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:
 - 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 six [6] units, as stated in Bylaw No. 2975
 - Six [6] car-share memberships (attached to each unit in perpetuity)
 - One (1) visitor parking space (2.9 m x 5.5 m) and four small car spaces (2.4 metres x 4.5 metres) will be provided and remain as illustrated in the landscaping concept plan, attached in Appendix C of Staff Report DEV-19-109
 - Conduit for electric vehicle charging at each of the five [5] parking spaces
 - An Landscaped Open Area in the rear yard that may be developed with a rain garden [if feasible]
 - Two [2] electric bicycles for strata usage, with a one time \$500.00 maintenance account, and two electric outlets for charging in the bike storage room
 - An outdoor 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
- Build to Step 2 of the BC Building Step Code

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. 2975 to Council for consideration of adoption.

RELEVANT POLICY:

Declaration of 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 supports the following specific strategic objective:

Healthy, Liveable and Diverse Community: support community growth, housing and development consistent with our Official Community Plan.

BACKGROUND:

Appendices

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

Appendix B: Site Plan, Air photo, OCP maps, Zoning map, RM-3 zone, Advertising

Appendix C: Architectural Plans, Landscape Plan and BCLS Site Plan

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 Building Checklist

Appendix G: Watt Consulting Group - Transportation Review

Appendix H: Applicant's Neighbourhood Consultation and Feedback

Appendix I: Public Comments

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 a 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.

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.

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 metres from the 4.5 metre 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 2.3 metres 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 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, are consistent with direction contained within the OCP.

The building is proposed to be 9.1 metres 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 recreation space provided for in the southeast corner of the site as well as a public park and playground space within 100 metres 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 located at the rear of the lot, for six dwelling units. 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 temporarily to 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.

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.
- 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: 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 staff have 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 recommendation:

The DRC recommends to Council that the application 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.

Note: 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 recommendation:

That the application for a rezoning 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.

Timeline

October 16, 2018 - Application Received

February 13, 2019 - Design Review Committee

May 21, 2019 - Advisory Planning Commission

August 19, 2019 - 1st and 2nd reading of bylaws by Council

December 2, 2019 - Public hearing

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, a bike rack, bike storage area, two electric bikes with five [5] year maintenance contract, a visitor parking space, a small outdoor landscaped open area that may include a rain garden, building built to Step 2 of the BC Building Step Code and forbidding a future strata corporation from restricting any future rentals. Step 2 of the Code

requires the builder to work with an energy advisor to complete energy modelling for the building.

Consider that though the location of the three storey building would be fairly close to the sidewalk; 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 rain garden that is planned may not be feasible due to site topography but a landscaped common area would continue to provide residents with a passive recreation space. Though there would be two strata units without vehicle parking; the applicant has provided mitigating transportation demand management measures including: two electric bicycles, bike storage, and car share memberships. And a car share vehicle is expected to be located at the development property next door, which is under construction.

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 Esquimalt Green Building Checklist. [Appendix F]

The applicant has proposed providing car share memberships for each unit, two [2] electric bicycles for strata member usage and has plans to plant more trees on the site than currently exist.

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 19, 2019 [Appendix B]. Notice of the Public Hearing was placed in the November 22, 2019 and November 27, 2019 editions of the Victoria News. The sign, indicating that the property is under consideration for a change to the zoning, that has been installed on the Colville Road frontage since February 2019, was updated to show the date, time and location of the Public Hearing. At the time of writing this report Development Services staff have not received any comments from the public regarding the proposed rezoning application, as result of this advertising.

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. That Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2975 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. 2975 to Council for consideration of adoption.

2. That Council postpones consideration of Amendment Bylaw No. 2975 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. 2975.