



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 20-550, Version: 1

REQUEST FOR DECISION

DATE: November 5, 2020 Report No. DEV-20-077

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:
Rezoning Application - 851 Lampson Street

RECOMMENDATION:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3007, attached as Appendix A to Staff Report No. DEV-20-077, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 851 Lampson Street [PID 005-778-441, Parcel A (DD 19978W) of Lot 12, Section 10, Esquimalt District, Plan 7500], shown cross-hatched on Schedule "A" of Amendment Bylaw No. 3007, from Two Family/ Single Family Residential [RD-3] to Comprehensive Development District No. 134 [CD. No. 134], be read a third time; 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-20-077, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 851 Lampson Street [PID 005-778-441, Parcel A (DD 19978W) of Lot 12, Section 10, Esquimalt District, Plan 7500] 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 four [4] units, as stated in Bylaw No. 3007,
 - One (1) visitor parking space will be provided and remain as illustrated in the Site Plan, SK-1, attached in Appendix D of Staff Report DEV-20-077,
 - Installation of a Level 2 electric vehicle charging station in each of the four [4] private garages and at the visitor parking space,
 - The development will be constructed to meet Step 3 of the BC Energy Step Code,
 - Installation of five (5) visitor bicycle lockups as illustrated in the Site Plan, SK-1, attached in Appendix D of Staff Report DEV-20-077,
 - A constraint on the future strata corporation that the rental of the units will not be

restricted, and

- Tree protection fencing will be installed and maintained around the Township's Pine tree throughout construction and the critical root zone will remain undisturbed and free of deposit or storage of any material related to construction activity.

To this end, 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. 3007 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

Building Regulation Bylaw, 2017, No. 2899

STRATEGIC RELEVANCE:

This Request for Decision supports the following specific strategic objective:

Healthy, Livable and Diverse Community - Support community growth, housing, and development consistent with our Official Community Plan (OCP).

BACKGROUND:

Purpose of the Application

The applicant is requesting a change in zoning from the current RD-3 [Two Family/ Single Family Residential] zone to Comprehensive Development District No. 134 [CD-134] to accommodate the proposed four (4) strata townhouse residences to be constructed in one building on the subject property.

The existing single family home would be demolished and four new dwelling units would be constructed. Specific form and character issues relating to the aesthetics of the building, such as cladding materials, window materials, railings, fencing, doorways, streetscape improvements and detailed landscaping will be evaluated in a separate application for Development Permit should this rezoning application be approved by Council.

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. 3007 - Amendment to Zoning Bylaw 1992, No. 2050, CD-134

Appendix B: Site Plan, Air Photo, OCP Maps, Zoning Map

Appendix C: Applicant's Narrative and Green Building Checklist
Appendix D: Architectural Plans, Landscape Plan and BCLS Site Plan
Appendix E: Community Consultation Materials
Appendix F: Mail Notice of Waived Public Hearing
Appendix G: Council Presentation - Staff
Appendix H: Council Presentation - Zebra Design

Timeline

Advisory Planning Commission - April 21, 2020.
Design Review Committee - May 13, 2020.
Esquimalt Council - Bylaw No. 3007 read a first and second time and waived the public hearing - September 28, 2020.
Esquimalt Council - Council rescinds second reading, amends and reads Bylaw No. 3007 anew a second time and waives the public hearing a second time - October 26, 2020.
Notice of Waived Public Hearing mailed to 76 owners and occupiers located within 100m of the subject property - November 3, 2020.
Victoria News advertisement runs providing Notice of Waived Public Hearing - November 5, 2020 and November 12, 2020.
Esquimalt Council - Council considers reading Bylaw No. 3007 a third time - November 16, 2020.

Context

Applicant: Zebra Design [David Yamamoto]
Owner: Reis Aliko
Property Size: Metric: 731 m² Imperial: 7867 ft²

Existing Land Use: Single Family Dwelling with Secondary Suite

Surrounding Land Uses:

North: Park [Lampson Park]
South: Townhouse Residential [10 Units]
West: Two Family Residential with Suite [RD-1]
East: Single Family Residential [RD-3]

Existing Zoning: Two Family/ Single Family Residential [RD-3]
Proposed Zoning: Comprehensive Development District [CD No. 134]
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, Unit Size, Parcel Size, Height, Lot Coverage, Siting and Parking: The following chart compares the zoning regulations of this proposal with the requirements of the recently approved CD-112 [939 Colville Road] Zone, directly to the south accommodating a 10 unit townhouse development:

	CD 112 (939 Colville Rd) (10 Townhouse Units)	Proposed CD Zone 851 Lampson Street (4 Townhouse Units)
Minimum Unit Size	130 m ²	108 m ²
Floor Area Ratio	0.69	0.68
Maximum Lot Coverage	33%	39%
Setbacks		
• Front	6.9 m	5.0 m
• Rear	3.5 m	7.1 m (to 2 nd floor decks and 3 rd floor cantilever)
• Exterior Side	3.6 m	3.6 m (3.0 m to cantilever)
• Interior Side	3.3 m	3.3 m
Building Height	9.0 m	8.0 m
Off – street Parking	1.6 spaces per Dwelling Unit	1.0 space per Dwelling Unit plus 1.0 Visitor Space

Floor Area Ratio: FAR measures livable space in ratio to the size of the lot on which a building sits. The F.A.R of this proposal is 0.68 which is consistent with the maximum FAR of 0.70 identified within the OCP in areas designated for Townhouse Residential. This proposed density delivers four - 3 bedroom and den, 3.5 bathroom units.

Lot Coverage: The combined Lot Coverage is 39%. Alternatively the CD 112 zone allows for Lot Coverage of 33%. Recent Townhouse Residential projects considered by Council have Lot Coverage in excess of 30%.

Setbacks: The north side setback is 3.3m while the south exterior side setback is reduced from 3.6m to 3.0m to the overhang of the principal building. In addition, the rear setback is 7.15m to the edge of the second storey decks and the third floor. Staff note that when considering infill development proposals on specific sites, setbacks are often reduced to allow densification but these reductions must be carefully considered to ensure the project sensitively integrates in the existing neighbourhood.

Height: High density Townhouse Developments in Esquimalt are limited to a height of 9.0 metres measured to the top of the roof from average grade for flat roof buildings. The applicant proposes a building measuring 7.75 metres, notably less than the established standard. While the building is higher than the neighbouring single family home to the east [Appendix D] it is shorter than recently approved townhouses across Colville Road.

Parking and Maneuvering

Bylaw, 1992, No. 2011 requires 2 parking spaces per unit be provided “behind the front face of the principle building” for Townhouse Residential developments. This proposal incorporates a generous sized single car garage in each unit and one additional visitor parking space thereby failing to satisfy this standard. Notwithstanding this inconsistency with the current Parking Bylaw requirement, staff are of the opinion that the provision of one visitor space is sufficient for a four unit development. The applicant has voluntarily offered to secure this space, via covenant, as a Visitor Parking space that cannot be dedicated to any one unit for exclusive use.

The maneuvering aisle meets the required minimum width of 6.75 metres serving one bank of

perpendicular parking spaces and has been graded to ensure access to the lower floor garages.

There is regular bus service in the area, on Lampson Street and Tillicum Road with transit route #26, Colville Road with route #24, and approximately 250 metres away on Craigflower Road with transit route #14.

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.

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.

11.4 Public Transit

OBJECTIVE: To encourage transit oriented development that takes advantage of the transit system and increases the use of the transit system.

- Policy - Support densification along frequent and regional transit routes. It should be noted the subject property is located on a local transit route but is in close proximity to frequent and regional routes.

13.3.6 Passenger Vehicle Alternatives

OBJECTIVE: To reduce impact of motor vehicles that derive energy from fossil fuels by increasing capacity for alternative fueling and sharing.

- Policy - Pursue the installation of electric vehicle charging capacity in new developments during the rezoning process.

Development Permit Guidelines

Should this application for rezoning be approved by Council, approval of a Development Permit (DP) will be required prior to a building permit being issued. Accordingly, applicants are urged to consider the DP guidelines early in the process. Many DP area 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.

OCP Section 23, DPA No.6: 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:

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.
10. Design retaining wall spacing and landscape planting areas of sufficient width and depth to support plantings (eg. provide larger spaces for trees).

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. 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: No concerns. Construct to current BC Building Code and Municipal Building Regulation Bylaw, 2017, No. 2899. 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 851 Lampson Street. The developer should be aware that they may be required to provide Works and Services up to the road centre line. At a minimum new curb and gutter along both frontages 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. The applicant is responsible for retaining the services of qualified professional for the design and construction supervision of all Works and Services, including construction costs, engineering fees, administrative fees as indicated in Bylaw No. 2175.

Fire Services: No concerns. Sprinklers will be required for this building as per Building Regulation Bylaw, 2017, No. 2899.

Parks Services: Tree protection must be erected around the dripline of the municipal Pine tree located on the corner of Lampson Street and Colville Road. Tree protection is also required for trees on neighbouring properties as per Tree Protection Bylaw, 2015, No.2837.

Recommendation from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on April 21, 2020. The APC resolved that the application be forwarded to Council with a recommendation to approve the application as the proposal is an appropriate addition for this corner and a good fit to the overall neighbourhood.

Recommendation from the Design Review Committee [DRC]

This application was considered at the regular meeting of the DRC held on May 13, 2020. The DRC resolved that the application be forwarded to Council with a recommendation to approve the application as the proposal fits the neighbourhood context.

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.

Both the DRC and the APC have voiced support for this development approach.

The proposed development would add 'missing middle' family oriented housing to Esquimalt, close to transit services, schools and abutting a major park and would improve housing choices in the area, while encouraging owners and residents to choose alternative, lower carbon transportation solutions.

The applicant has voluntarily agreed to register a covenant ensuring specific amenities and restrictions will be satisfied as part of the construction of the development.

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 installing electric vehicle charging stations at all five parking spaces and providing secure storage for bicycles within the garages including access to a plug for charging, and five (5) bike lockups are proposed for the Lampson Street frontage offering opportunities for visitors to choose to cycle to the site, all of which serve to encourage alternative transportation. The applicant has completed the Green Building Checklist [Appendix C] in which he indicates the building would be constructed to Step 3 of the BC Energy Step Code and has agreed to secure this requirement in a covenant.

5. Communication & Engagement

Public Notification

As this is a rezoning application, and Council waived the Public Hearing, a Notice of Waived Public Hearing was mailed to tenants and owners of properties within 100m (328 ft) of the subject property. Signs indicating that the property is under consideration for a change in zoning that have been in place on the both the Lampson Street and Colville Road frontages of the property since April 2020 were updated to reflect the date, time and location when Council will consider the bylaw for third reading. Additionally, Notice of Waived Public Hearing was placed in the November 5th and November 12th editions of the Victoria News.

Applicant Community Consultation Submission

The Township mailed out a letter, drafted by the applicant, on September 3, 2020 requesting feedback from owners and occupiers located within 100m of the parcel in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791. This mail out solicitation for feedback was approved by the Director of Development Services in lieu of a formal Community Open House meeting to ensure compliance with appropriate COVID-19 protocols. The consultation letter, map of recipients and a summary of feedback received is attached as Appendix E.

ALTERNATIVES:

1. That Council reads Amendment Bylaw No. 3007 a third time and staff be directed to coordinate with the property owner to ensure registration of the s. 219 covenant on the title of the subject properties addressing land use restrictions and securing amenities prior to returning Amending Bylaw No. 3007 to Council for consideration of adoption.
2. That Council postpone consideration of Amendment Bylaw No. 3007 pending receipt of additional information.

3. That Council defeats Amendment Bylaw No. 3007.