



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 21-225, Version: 1

REQUEST FOR DECISION

DATE: April 28, 2021

Report No. DEV-21-032

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - 475 Kinver Street

RECOMMENDATION:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3018, attached as Appendix A to Staff Report DEV-21-032, which would amend Zoning Bylaw, 1992, No. 2050, by amending the definition and regulations for secondary suites and by changing the zoning designation of 475 Kinver Street [PID 000-064-980; Parcel B (DD187669I) of Lots 1 and 2, Block 3, Section 11, Esquimalt District, Plan 6016], shown cross-hatched on Schedule 'A' of Bylaw No. 3018, from Two Family/ Single Family Residential [RD-3] to Comprehensive Development District No. 135 [CD. No. 135], be given first and second reading; and
2. That Council waive the Public Hearing pursuant to *Local Government Act*, Section 464(2) for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3018 and direct staff to proceed with appropriate public notification and return the Bylaw to Council for consideration of third reading.

RELEVANT POLICY:

Declaration of Climate Emergency

Official Community Plan Bylaw, 2018, No. 2922 [OCP]

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

Local Government Act

STRATEGIC RELEVANCE:

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

BACKGROUND:

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3018

Appendix B: Air photo and RD-3 zone

Appendix C: BCLS Site Plan, Architectural drawings, Landscape Plan, Servicing Plan

Appendix D: Applicant's letter, Green Checklist, Tree Report

Appendix E: Applicant's neighbourhood consultation with neighbour's comment to staff

Appendix F: Applicant's presentation to Council

Appendix G: Staff presentation to Council

PURPOSE OF APPLICATION:

The applicant is requesting a change in zoning from Two Family/Single Family Residential [RD-3] to a Comprehensive Development District [CD], to create a development where the existing single family dwelling is removed and a new strata duplex with secondary suites is built.

This site is located within Development Permit Area No. 1 - Natural Environment, Development Permit Area No. 3 - Enhanced Design Control Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation, of the Esquimalt Official Community Plan Bylaw, 2018, No. 2922. Should this rezoning application be approved, a Development Permit would be required to ensure that the application is generally consistent with the Development Permit Area guidelines prior to a building permit being issued.

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 adjacent and surrounding sites, and whether the proposal is generally appropriate and consistent with the overall direction contained within the Official Community Plan.

CONTEXT:

Applicant: Joanne Blain

Owners: Joanne Blain and Jane Mundy

Designer: Samantha Weeks Design Group

Property Size: 799.3 m² (8603.6 sq. ft.)

OCP Land Use Designation:

Current: Low Density Residential [No change proposed]

Proposed: Low Density Residential [No change proposed]

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

Proposed Zoning: Comprehensive Development District [CD]

Existing Land Use: Single Family Residential

OFFICIAL COMMUNITY PLAN (OCP) ANALYSIS:

The proposed development of a two-family (strata duplex) dwelling with secondary suites is consistent with the Present and the Proposed Land Use Designations of 'Low Density Residential'; therefore, an amendment to the Official Community Plan (OCP) is not necessary. The following OCP objectives and policies can be useful in evaluating this proposal:

OCP Section 5.1 General: Anticipated Housing Needs in the Next Five Years

OBJECTIVE: Support expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character.

- Policy - Support the inclusion of secondary suites within present and proposed low density residential land use designated areas.
- 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.
- Policy - Encourage the development of rental accommodation designed for a variety of demographic household types, including young families.

5.2 Low Density Residential Redevelopment

OBJECTIVE: Strive for redevelopment and infill development that improves and enhances the appearance and livability of neighbourhoods and the community as a whole.

- Policy - Proposed redevelopment or infill within present low density residential land use designated areas should be built to high quality design and landscaping standards and respond sensitively to existing neighbourhood amenities.
- Policy - Consider the inclusion of secondary suites in infill developments where it is demonstrated that neighbourhood impacts can be mitigated.

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.

Development Permit Guidelines:

Though the Development Permit is not being considered at this time many of the DP guidelines require that the zoning issues (useable open space, lot coverage, height, density, massing, siting, setbacks, parking, how the buildings relate to adjacent homes) and natural area / tree protection be considered in order to be able to fulfill the guidelines.

This site is currently in the following Development Permit Areas:

- Development Permit Area No. 1 - Natural Environment
- Development Permit Area No. 3 - Enhanced Design Control Residential
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction
- Development Permit Area No. 8 - Water Conservation

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:

- Retain existing healthy native trees, vegetation, rock outcrops and soil wherever possible.
- Preservation of natural topography is favoured over blasting or building of retaining walls.
- 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:

- 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.

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

Where it is reasonable:

- 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 20 - Development Permit Area No. 3 - Enhanced Design Control

20.5 Guidelines - Duplex Housing

- The fronts of the buildings should be designed to create the appearance of smaller structures either by staggering the dwelling units or visually breaking up the façade with architectural detailing while still maintaining a complementary streetscape.
- Innovative and creative site-specific two-unit dwellings are encouraged where usable open space is maintained either on the ground (yard) or as rooftop gardens. Setbacks to the street may be reduced to maximize property use.
- Side by side, up and down, or staggered unit configurations are preferred as these result in a greater number of units facing the street, less disruption of privacy, and a more equitable division of outdoor amenity areas between the two dwelling units.
- Rooflines of new development should relate in height, shape and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid

having large unbroken sloped roof areas facing the street.

- To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas and prominent front doors is encouraged.
- Buildings should be designed to minimize visual intrusion on to the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks and patios into the building or by screening them with latticework or landscaping. Windows should be spaced so that they do not align directly with those of other buildings.
- The height and massing of new two-unit dwellings should be designed to minimize the casting of shadows on to the private outdoor space of adjacent residential dwellings.
- The provision of private open space should be part of an overall site development and landscape plan and should take into consideration general site circulation patterns (including parking), existing landscape features, sun access, privacy and usability.
- Retention and protection of trees and the natural habitat is encouraged where possible.
- Parking areas, garages and driveways should appear as a minor component of the site when viewed from the street. The building of curving access roads and driveways helps to avoid views from the street of large expanses of paving. The use of shared driveways is encouraged.

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:

- 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 usable outdoor open spaces.
- 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 - Where it is feasible:

- Orient larger roof surfaces to the south for potential use of solar panels or photo-voltaic roofing.
- Use roof over-hangs, fixed-fins or other solar shading devices on south and west facing windows to reduce peak summer heat gain while enabling sunlight penetration in winter months.

24.5.3 Landscaping - Where it is feasible:

- Develop a front yard landscape design that is natural and delightful so residents do not need to leave the neighbourhood to experience nature.
- Choose open space and landscaping over dedicating space to the parking and manoeuvring 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 - Where it is feasible:

- Reuse of existing buildings and building materials is encouraged.

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

25.5.3 Landscaping - Retaining Stormwater on Site (absorbent landscaping) - Where it is feasible:

- 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.

ZONING ANALYSIS:

Within Zoning Bylaw 1992, No. 2050 current zoning for the subject property is Two Family /Single Family Residential [RD-3].

The RD-3 zone allows a two family residential dwelling (duplex) to be constructed. The applicant/ owners wish to build a two family residential dwelling (duplex) and incorporate secondary suites within each of the principal units; therefore, they are requesting a rezoning of the property to a Comprehensive Development District [CD] zone. The new CD zone would permit the following uses: two family residential, secondary suites, home occupation, and urban hens; and would provide unique regulations for the proposed buildings. The following chart compares the requirements of the RD-3 zone with the proposal.

| | RD – 3 zone | Proposed CD-135 Zone |
|------------------------|--|---------------------------|
| Minimum Parcel Size | 668 m ² | 790 m ² |
| Floor area ratio (FAR) | 0.40 for properties less than 800 m ² | 0.39 |
| Lot coverage | 30 % | 35 % |
| Building height | 7.3 m | 7.3 m |
| Setbacks | | |
| • Front | 7.5 m | 5.5 m |
| • Rear | 7.5 m | 10.1 m |
| • Interior Side | 1.5 m | 4.5 m (2.8 m to stairs) |
| • Exterior Side | 3.6 m | 3.0 m |
| Building separation | 2.5 m | 2.5 m |
| Off-street parking | 1 space per dwelling unit | 1 space per dwelling unit |

The proposal achieves the Floor Area Ratio that would be permitted in the RD-3 zone for lots that are less than 800 square metres in area. The lot is just under 800 square metres at 799.3 m². The proposed building has a floor area of 302 m² (3250 sq ft), 471 m² (5070 sq. ft) with the basement included. The secondary suites are proposed for the basement and each would be about 800 square feet (75 m² and 78 m²).

The proposed building has a larger footprint than is generally allowed for two-family residential buildings, with the lot coverage at 34%. One percent lot coverage has been added to the proposed CD zone accommodate a future accessory building (shed/ greenhouse). The typical RD-3 setbacks have been reduced at the front (Kinver Street frontage) and along the exterior side (Heald Avenue frontage) of the property. A 1.7 metre interior side setback siting exception has been written to accommodate the entrance steps on the south side of the building.

PARKING ANALYSIS:

Parking Bylaw 1992, No. 2011 requires one parking space per dwelling unit, and that in residential zones the parking spaces shall be located no closer to the front lot line than the front face of the principal building. The proposal has four parking spaces behind the front face of the principal building, one for each dwelling unit, with two spaces accessed from Kinver Street and two accessed from Heald Avenue.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): Sprinklers required as per Section 10 of Township Building Bylaw. Subject to review for Building Code and Bylaw compliance at time of Building Permit application.

Engineering Services: According to Bylaw 2175, including all Schedules, the developer may be required to provide all Works and Services up to the road centerline.

The proposed development is to have Services as per Bylaw 2175 (Subdivision and Development Control Bylaw) including, but not limited to new sewer and drain service connections to each side of the duplex, new curb/gutter/sidewalk, and underground H/T/C to the proposed development.

The Applicant is responsible for retaining the services of a qualified professional for the design and construction supervision of all Works and Services, including construction cost, engineering fees, administrative fees, and as indicated in Bylaw 2175.

Parks: A tree cutting permit application must be submitted for all trees requesting to be removed. No trees are to be removed without an approved tree cutting permit. Tree protection fencing must be erected, at the dripline, for all trees in the construction area, prior to any work commencing. The landscape plan shows three trees being planted on city property.

Fire Services: If a complex has more than 3 residential units (suites included) the complex will be required to be sprinklered as per the Building Bylaw.

For addressing, suggest one principal unit off Heald Avenue and the other off Kinver Street to facilitate accessibility (with each secondary suite having a suite "A" address).

COMMENTS FROM THE ADVISORY PLANNING COMMISSION:

This application was considered at the regular meeting of the Advisory Planning Commission [APC] held on January 19, 2021. The APC members supported this application and recommended the following:

That the application for rezoning be forwarded to Council with a recommendation to approve, as the proposal is a good fit with the neighbourhood and provides suitable density in the form of a duplex and secondary suites.

TIMELINE:

October 27, 2020 - Rezoning application received (staff request revisions)

December 22, 2020 - Missing application package material received

January 19, 2021 - Advisory Planning Commission provides a recommendation

February 23, 2021 - Applicant's neighbourhood consultation package mailed

ISSUES:

1. Rationale for Selected Option

The number of units on this site would increase from one to four, including provision of two basement rental suites. A parking space is being designated for each principal unit and each suite.

The Advisory Planning Commission has supported the application.

The owners / applicants have agreed that the following covenant items could be offered to improve this application, and assist Esquimalt in meeting its commitment to reduce community greenhouse gas emissions:

- No more than 4 dwelling units
- Electric vehicle charging infrastructure for each parking space
- No short-term rentals
- Build with the goal of achieving Built Green certification and meeting or exceeding BC Energy Step Code Level 3 requirements.

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

Public Notification

As this is a rezoning application, should it proceed to a public hearing (or waived public hearing), a notice would be mailed to tenants and owners of properties within 100 metres (328 feet) of the subject property. Signs indicating that the property is under consideration for a change in zoning have been placed on the Heald Avenue and Kinver Street frontages and would be updated to reflect the date, time, and location of the public hearing (or waived public hearing). Additionally, notice of the proposed change in zoning would be placed in two editions of the Victoria News.

Applicant's neighbourhood meeting submission

In lieu of a neighbourhood meeting, at the direction of the Director of Development Services, and with the assistance of staff, on February 23, 2021 a letter was mailed on behalf of the applicant to the owners and residents of properties located within 100 metres of the subject property. This letter provided an opportunity to telephone or email the applicant with any comments or concerns; to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791. The applicant also independently delivered a letter to all immediate neighbouring properties on December 20, 2020. The neighbourhood feedback from both letters can be found in Appendix E.

ALTERNATIVES:

1. Council read Bylaw No. 3018 a first and second time, direct staff to waive the Public Hearing with appropriate notification and proceed to return the Bylaw to Council for third reading.
2. Council read Bylaw No. 3018 a first and second time, and direct staff to schedule a Public Hearing.

3. Council postpone consideration of Bylaw No. 3018 pending receipt of additional information.