



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** January 13, 2022

Report No. DEV-22-006

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 820 Dunsmuir Road

**RECOMMENDATION:**

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3050, attached to Staff Report No. DEV-21-083 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 009-205-802 Amended Lot 66 (DD239848I), Section 11, Esquimalt District, Plan 265 [820 Dunsmuir Road], shown cross-hatched on Schedule 'A' attached hereto, from RD-3 [Two Family / Single Family Residential] to CD No. 146 [Comprehensive Development District No. 146] be given first and second reading; and
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3050, mail notices and advertise for same in the local newspaper.

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

*Local Government Act*

Declaration of Climate Emergency

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

Subdivision and Development Control Bylaw, 1997, No. 2175

Green Building Checklist

**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, 2022, No. 3050

Appendix B: Aerial Map

Appendix C: Architectural Drawings and Landscape Plan

Appendix D: Green Building Checklist

Appendix E: Construction Impact Assessment and Tree Preservation Plan

Appendix F: Building Condition Assessment

Appendix G: Developer's Public Consultation Summary

Appendix H: Applicant's Presentation

Appendix I: Staff's Presentation

## **PURPOSE OF APPLICATION:**

The applicant is requesting a change in zoning from RD-3 [Two Family / Single Family Residential] to Comprehensive Development District No. 146 [CD No .146]. This change is required to accommodate the proposed 7-unit townhouse residential development.

Evaluation of this application should focus on issues related to zoning such as the proposed height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, usable open space, parking, land use, fit with the neighbourhood, and consistency with the overall direction contained within the Official Community Plan.

This site is located within Development Permit Area No. 1 - Natural Environment, No. 6 - Multi-Family Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction, No. 8 - Water Conservation, and No. 11 - West Bay of the Township's Official Community Plan. The form and character of the buildings, landscaping, and consistency with guidelines relating to natural environment protection, energy conservation, greenhouse gas reduction, and water conservation would be controlled by a development permit that would be considered by Council at a future date as the proposed development is situated within Development Permit Areas 1, 6, 7, 8, and 11.

## **CONTEXT:**

Applicant: Large and Co. [Kim Colpman]

Owner: Datatech Developments Inc., Inc.No. BC0060270

Architect: Victoria Design Group]

Total Property Size: Metric: 1148 m<sup>2</sup> Imperial: 12357 ft<sup>2</sup>

OCP Present Land Use Designation: Low Density Residential

OCP Proposed Land Use Designation: Townhouse Residential

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

Existing Land Use: Single-Family Residential [1 Storey]

Proposed Land Use: Townhouse Residential

Surrounding Land Uses:

North: Single Family Residential

South: Multiple Family Residential

East: Single Family Residential and Townhouse Residential

West: Single Family Residential

**CHRONOLOGY:**

March 17, 2020 - Rezoning application submitted

July 13, 2020 - Council directs staff to continue to withhold the issuance of a demolition permit until a building permit and any other necessary approvals have been issued with respect to the alteration or redevelopment of the site. Moreover, Council orders a heritage assessment of the site.

December 21, 2020 - Council directs staff to initiate an appraisal of the subject property and to work with the applicant on a development that would retain the registered heritage building.

May 3, 2021 - Council directs staff to continue to withhold the demolition permit until the necessary approvals have been issued with respect to the alteration or redevelopment of the site.

July 14, 2021 - Design Review Committee

October 19, 2021 - Advisory Planning Commission

**OCP ANALYSIS:**

The proposed development is consistent with the Proposed Land Use Designation of 'Townhouse Residential'. The proposed development consists of 7 units and a floor area ratio of 0.70 and is consistent with the acceptable density prescribed in the Official Community Plan.

OCP Section 5.1 states a policy to '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.

Moreover, there exists another policy to '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.'

OCP Section 5.2 Low Density Residential Development states an objective to strive for redevelopment and infill development that improves and enhances the appearance and livability of neighbourhoods and the community as a whole.

Supporting policies in this section consistent with the proposed development include:

- 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.

Section 5.4 Affordable Housing states an 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.

Supporting policies in this section relevant with the proposed development include:

- Encourage the provision of missing middle housing types such as two-unit dwelling (duplexes), townhouses and small lot infill as one avenue to address housing affordability.

Section 11.3.2 New Development states the following policies:

- Encourage developers to provide a variety of end of trip facilities for active transportation.
- Encourage bike lockers in multi-unit residential and commercial/commercial mixed-use developments.

Section 13.3.3 Building Energy Efficiency states the following policies:

- Adopt best practices based on evolving building technologies and materials.
- Encourage the adoption of passive, efficient, and renewable energy systems in new buildings and during building retrofits.
- Investigate options for encouraging developers to achieve high energy performance in new developments through such tools as density bonusing, expedited permit approval process, rebate of development fees, revitalization tax exemption, and other incentives.
- Pursue higher energy-efficiency performance in new developments, through the achievement of higher steps in the BC Energy Step Code as an amenity associated with rezoning.

Under Section 13.3.6 Passenger Vehicle Alternatives, the following policies are listed:

- Encourage the installation of electric vehicle charging infrastructure in all new multi-unit developments.
- Pursue the installation of electric vehicle charging capacity in new developments during the rezoning process.
- Encourage the inclusion of car share in new multi-unit residential developments.

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

- 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.
- The size and siting of buildings that abut existing single- and two-unit and townhouse dwelling should reflect the size and scale of adjacent development and complement the surround uses. To achieve this, height and setback restrictions may be imposed as a condition of the development permit.
- 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.

## ZONING ANALYSIS:

Density, Lot Coverage, Height and Setbacks: The following chart lists the floor area ratios, lot coverage, setbacks, height, parking, and usable open space of this proposal. Zoning Bylaw, 1992, No. 2050 does not currently contain a zone that can accommodate this proposed development.

	Proposed CD Zone
Residential Units	7
Floor Area Ratio	0.69
Lot Coverage	40%

Setbacks:	
Front [East on Dunsmuir Road]	6.25 m
Exterior Side [North on Wollaston Street]	3.1 m
Exterior Side [South on Dunsmuir Road]	3.5 m
Rear	4.5 m
Building Height	9.78 m [3 storeys]
Off Street Parking	9 spaces

Floor Area Ratio: The FAR of this proposal is consistent within the acceptable amount in a townhouse residential designated parcel.

### **PARKING ANALYSIS:**

Parking: Parking Bylaw, 1992, No. 2011 requires 2.0 parking spaces per unit to be provided for townhouse developments. Parking areas are required to be constructed to meet the standards for manoeuvring aisle dimensions and associated parking stall dimensions detailed in Part 14, Table 2, of the Bylaw.

This proposal incorporates 9 parking spaces to serve 7 townhouse dwelling units. 8 of these parking spaces are within the garages of the townhouse units while the other one is a visitor parking space. Hence, the parking ratio of 1.28 is less than the required amount of 2.0 spaces per dwelling unit as required by the Parking Bylaw. It is noted that this standard is almost 30 years old and will be reassessed in the upcoming review of the Parking Bylaw.

### **GREEN BUILDING FEATURES:**

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

### **COMMENTS FROM THE DESIGN REVIEW COMMITTEE:**

This application was considered at the regular meeting of the Design Review Committee held on July 14, 2021. Members had no concerns with the lot coverage, density, and the number of residential units proposed; however, they had concerns with the vehicular access point and the lack of building frontage along the eastern lot line. Members had a positive reaction to units with a ground-level entrance along Wollaston Street. The members stated that the siting of the buildings did not take into consideration the shape of the roads and the streetscapes. The proposed building design does not complement the existing streetscape nor celebrate the uniqueness and prominence of the location with a 3-sided frontage.

The Design Review Committee resolved unanimously that the application be forwarded to Council with a recommendation of denial because of the following reasons:

1. Impact on the neighbouring community.
2. Location of the vehicular access.
3. Sight lines from Sea Terrace.
4. Missed opportunity to celebrate the 3-sided frontage.

In response to the comments from the Design Review Committee, the applicant has submitted an amended proposal with a relocated driveway. The new driveway is on the southwest of the parcel rather than to the east, extending from the central manoeuvring aisle. The area to the east has been

amended to a bicycle parking area. The two townhouse units to the east have been amended to have a front door on the eastern side; nonetheless, the footprint has not changed to provide a 3-sided frontage.

#### **COMMENTS FROM THE ADVISORY PLANNING COMMISSION:**

This application was considered at the regular meeting of the Advisory Planning Commission held on October 19, 2021. Members had positive reactions to the massing and setbacks as it is consistent with the Township's Official Community Plan; however, they considered the proposal an unambitious building design at a prominent site with unique 3-sided frontage considering the proposed loss of a registered heritage building. The Commission suggests that the applicant consider an OCP amendment to allow for greater density while retaining the heritage building.

The Advisory Planning Commission resolved that the application be forwarded to Council with a recommendation of denial as the proposal is an unambitious design to compensate for the loss of a heritage house located on a prominent corner.

#### **COMMENTS FROM OTHER DEPARTMENTS:**

##### **Development Services:**

Council's motion on December 21, 2020, directed staff to work with the applicant on a development that would retain the registered heritage building. Staff presented the possibility of increased density on the subject property with the retention of the heritage building. The applicant declined that idea and has not proposed any development that includes the registered heritage building on site. The applicant's initial application was for additional density on site in the form of 9 townhouses while relocating the heritage building to the yard of another single-family dwelling. Staff's assessment was that this yard was not suitable for the proposed location of the heritage building as it would remove the open green space that serves the single-family dwelling while not providing any open green space for the 19 proposed residential units.

##### **Community Safety Services (Building Inspection):**

The building is to be constructed to requirements of BC Building Code and municipal bylaws. Plans will be reviewed for compliance with BC Building Code upon submission of a building permit application.

##### **Engineering Services:**

Engineering staff has completed a preliminary evaluation of works and services that would be required for the proposed 7-unit multiple family residential building. Staff confirms that the design appears achievable on the site and that appropriate works and services are available in the immediate area. If approved, the development must be serviced in accordance with bylaw requirements including, but not limited to, new sewer and drain connections, underground hydro, telephone and cable services and new road works may be required up to the centre line of Dunsmuir Road and Wollaston Street.

##### **Parks:**

Parks staff has completed a preliminary review of the proposed on-site and off-site landscaping and commented that a tree cutting permit application is required for all trees to be removed. All trees that are to be retained, including boulevard trees, must have tree protection fencing erected at the drip line. Parks staff commented that the provided landscape plan looks good.

#### Fire Services:

Fire services staff has completed a preliminary review of the proposed plans and recommends that:

- Access route to be not less than 6 metres
- Access route overhead clearance to be not less than 5 metres
- Turnaround required for access route greater than 90 metres

#### ISSUES:

##### 1. Rationale for Selected Option

The proposal conforms to the proposed land use designation of the Township's Official Community Plan. Moreover, it provides for missing middle housing in the form of townhouse residential units.

##### 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

The applicant has completed the Esquimalt Green Building Checklist, detailing green features that will be considered for inclusion in the development should it be approved [Appendix D].

##### 5. Communication & Engagement

As this is a rezoning application, should it proceed to a Public Hearing, notices would be mailed to tenants and owners of properties within 100m (328ft) of the subject property. Signs indicating that the property is under consideration for a change in zoning have been installed on the frontage. These signs would be updated to include the date, time, and location of the public hearing.

As required by the Development Application Procedures and Fees Bylaw, 2012, No. 2791, the applicant delivered notices to properties within 100 m of the subject property soliciting comments. Staff confirms that the applicant has provided the required submissions [Appendix G].

#### ALTERNATIVES:

1. That Council resolves to give first and second reading to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3050; and authorizes the Corporate Officer to schedule a Public Hearing, mail notices and advertise for same in the local newspaper.

2. That Council resolves to waive holding a Public Hearing as Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3050 is consistent with the Official Community Plan and to give notice for the first reading of the bylaw.

3. Council postpones consideration of Amendment Bylaw No. 3050 pending receipt of additional information.

4. Council defeats Amendment Bylaw No.3050.