



# 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:** February 8, 2023 **Report No.** DRC-23-004

**TO:** Chair and Members of the Design Review Committee

**FROM:** Mikaila Montgomery, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning and Official Community Plan Amendment - 861 Kindersley Avenue

**RECOMMENDATION:**

That the Design Review Committee recommends to Council that the application for a Rezoning and Official Community Plan amendment, which would facilitate the future construction of five townhouse dwellings (one two-unit and one three-unit) at 861 Kindersley Road, [PID 004-671-970; Lot B, Section 10, Esquimalt District Plan VIP12881] be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application including reasons for the chosen recommendation.

**RELEVANT POLICY:**

Declaration of a Climate Emergency  
Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050  
Parking Bylaw, 1002, 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, Liveable and Diverse Community: Support community growth, housing and development consistent with our Official Community Plan.

**BACKGROUND:**

Appendix A: Aerial Map  
Appendix B: Site plan, architectural drawings, survey, landscape plan  
Appendix C: Applicant rationale letter

Appendix D: Arborist report and Esquimalt Parks Department comments

Appendix E: Green Building Checklist

Appendix F: BC Transit OCP consultation comments

Appendix G: Applicant's presentation

### **PURPOSE OF APPLICATION:**

The applicant is requesting a change in zoning from Two Family DADU Residential [RD-4] to a Comprehensive Development District [CD] to permit the future development of five three-storey townhouse dwellings.

The applicant also is requesting the following two amendments to the Official Community Plan, 2018, Bylaw No. 2922:

1. An amendment to Schedule H - Development Permit Areas, from the current designation of 'Development Permit Area 3 - Enhanced Design Control Residential' to a designation of 'Development Permit Area No. 6 - Multi-Family Residential.
2. An amendment to Schedule B - Proposed Land Use Designation, changing the proposed land use designation from 'Low Density Residential' to 'Townhouse Residential.'

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:** Kowmien Sellathurai - Komiya Construction Ltd.

**Owner:** Wayne Lee - W&E Homes

**Designer:** Xeniya Vins - Xquimalt Architecture

**Property Size:** 957.96 square metres (10,322 square feet)

### **OCP Land Use Designation:**

**Current:** Low Density Residential

**Proposed:** Townhouse Residential

**Zone:** Two-Family DADU Residential [RD-4]

**Existing Land Use:** Single Family Residential

**Proposed Land Use:** Multi-Family Residential

**Surrounding Land Uses:**

**North:** Federal Land

**South:** Medium & Low Density Residential

**East:** Medium Density Residential

**West:** Low Density Residential

**TIMELINE:**

November 5 & 25, 2022 - Neighbourhood open house event.

December 12, 2022 - Application received.

January 17, 2023 - Advisory Planning Commission meeting.

**OCP ANALYSIS:**

OCP Section 5.1 Anticipated Housing Needs in the Next 5 Years states an objective to support the expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character. Supporting policies in this section consistent with the proposed development include:

- 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. *The proposed development consisting of three storeys and an FAR of 0.70 fits within the guidelines for ‘Townhouse Residential.’*
- 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. *The proposed development expands the variety of housing types in the neighbourhood, providing options to residents.*

Section 5.3 Medium/High Density Residential Development states an objective to support compact, efficient medium density and high density residential development that integrates with existing and proposed adjacent uses. Supporting policies in this section consistent with the proposed development include:

- Encourage new medium density and high density residential development with high quality design standards for building and landscaping and which enhance existing neighbourhoods. *With consideration for the Development Permit Area Guidelines, the proposed development is on track to deliver two buildings with high quality design standards and landscaping that enhance the existing neighbourhood.*
- Prioritize medium density and high density residential development in proposed land use designated areas that: 1. reduce single occupancy vehicle use; 2. support transit service; 3.

are located within close proximity to employment centres; and 4. accommodate young families. *The proposed development has the potential to support transit service (proximity to frequent transit service), provide proximity to employment, and accommodate young families.*

- Encourage the incorporation of spaces designed to foster social interaction. *The proposed development includes spaces for interaction adjacent to the shared driveway as well as some green space.*
- Encourage the installation of electric vehicle charging infrastructure in medium and high density residential developments. *As per Parking Bylaw 1992, No. 2011, the parking spaces must be energized for EV charging.*

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. Policy in this section encourages 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. *The proposed development will add to Esquimalt's stock of missing townhouse housing stock through infill development on a previously single-family lot. Affordable, below market housing is not a component of this proposal.*

Section 11.3 Cycling states an objective to encourage increased use of cycling for recreational and commuting purposes. Policy in this section encourages end-of-trip facilities including secure lockup and shower facilities. *The proposed development includes space for indoor bike parking in the garage of each unit. Outdoor bicycle parking for short term or visitors is also proposed.*

Section 13 Building Energy states an objective to reduce building emissions by increasing energy efficiency in new buildings. Supporting policies in this section consistent with the proposed development include:

- 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.
- 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.

*The applicant is planning to meet Step Code 3 for the townhouses, use locally and ethically sourced material, and plant native plants. The Green Building checklist is attached as Appendix E.*

## OCP CONSULTATION COMMENTS

The OCP consultation letter to relevant organizations was mailed on December 23, 2022. Comments were received until January 23, 2023. Below are the comments that were received.

### BC Transit:

The proposed development is serviced within a 400 meter proximity to a Local Transit Network (LTN) including: 24 Cedar Hill / Tillicum Centre, 25 Maplewood / Tillicum Centre, 46 Westhills Exchange / Dockyard. LTN service provides connection to local neighbourhoods and destinations as well as Rapid and Frequent Transit Networks. This service is vital for the use of customers to get to work,

school, or local shopping centres.

The proposed development is expected to result in increased density in a region already well served by transit, thus supporting transit use and further reinforcing future changes to route 46.

BC Transit recommends considering well-marked and accessible pathway connections in order to support pedestrian connectivity and transit use of area residents.

BC Transit supports the proposed development subject to the inclusion of the above recommendations (see Appendix F for full comments).

### Capital Regional District:

*It is assumed that the wastewater generated from this development will eventually be discharged into the regional sewer system for eventual treatment and disposal at the CRD McLoughlin Point Wastewater Treatment Plant. Please be reminded that the Township of Esquimalt had an allocated capacity in the regional conveyance and treatment system as defined in Bylaw 2312, "Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1, 1995". The CRD will require the Township of Esquimalt to review and confirm that the additional wastewater flows generated from this proposed development does not exceed Esquimalt's total allocated capacity in the regional system.*

### ZONING ANALYSIS:

	Proposed
Zone	Site specific (TBD)
Height	9.9m (north building) 10.13m (south building)
Lot coverage	38%
FAR	0.70
Setbacks	4.48 (front) 5.71m (rear)
Side Setbacks (north- two unit)	6.46m (west) 2.74m (east)
Side Setbacks (south- three unit)	6.75m (west) 2.34m (east)

### PARKING ANALYSIS:

Parking Bylaw, 1992, No. 2011 requires 2 parking spaces per dwelling unit to be provided for Townhouse buildings and 1 parking space per dwelling unit for Two-Family buildings. The bylaw would therefore require 8 parking spaces for the proposed development. The applicant is proposing 5 residential parking spaces in the garages (a ratio of 1:1) and 2 visitor parking spaces for a total of 7 spaces. A visitor bike rack is proposed.

### COMMENTS FROM OTHER DEPARTMENTS:

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

No concerns. Retaining walls and accessory structures may require a separate Building Permit. Subject to review for Building Code and Bylaw compliance at time of Building Permit application.

### **Engineering Services:**

#### 1. Completion of Works and Services

According to Bylaw 2175, including all Schedules, the developer may be required to provide all Works and Services up to the road centerline. All Works and Services that are required to be constructed and installed at the expense of the Owner shall be constructed before the Approving Officer approves the development unless the Owner:

- Deposits with the Municipality a Security Deposit in the amount of 120% of the estimated construction cost, and
- Enters into a Servicing Agreement with the Municipality

#### 2. Serviceability

A preliminary review reveals that the subject property is connected to the Municipal Sewer and Drain Systems. The proposed development is to have Services as per Bylaw 2175 (Subdivision Control Bylaw), including, but not limited to, new sewer and drain connection, underground H/T/C, and new curb/gutter/sidewalk along the frontage. The combined sewer and drain manhole in the Right of Way is required to be separated at the Developers expense. Private garbage and recycling pickup is also required.

#### 3. Engineering

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 costs, engineering fees, administrative fees, and as indicated in Bylaw 2175. To meet requirements of the Subdivision and Development Control Bylaw 2175, mitigation measures may be required to accommodate a zero increase in run off on the proposed development site. Driveway width should be a minimum of 6.0m wide.

#### 4. Additional comments

Proposed trees within the sewer and drain ROW will not be permitted due to existing underground infrastructure. Additional review comments will be provided when detailed engineering drawings are submitted.

### **Parks:**

See Appendix D.

### **Fire Services:**

No concerns. All related suppression needs, including access, shall conform to BCBC and BCFC.

### **NEIGHBOURHOOD ENGAGEMENT:**

The applicant held one neighbourhood open house on November 5 and another on the 25. The first open house notice did not reach residents due to a staff miscommunication, so another event was held to ensure equal opportunity to participate.

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

APC members commented that the proposed development will fit in well with the community, providing ideal large family living spaces that addresses the need for missing middle housing. They recommend securing an easement for the drive aisle so that it can be shared with future development. Concern over height and massing of the buildings was discussed. The APC recommended exploring ways to soften the massing and transition height in relation to neighbouring duplex and single-family housing.

A question was raised over the viability of the proposed trees planted along the drive aisle. The architect said they would discuss this with their landscape architect.

A motion to forward the application to Council with a recommendation to approve, with a condition to explore lowering the height and massing, was passed unanimously. Please note that the applicant has opted to proceed to the Design Review Committee meeting without first addressing the Advisory Planning Commission's comments in their design.

#### **ISSUES:**

Please consider the proposed use, massing, height, lot coverage, setbacks, number of units, unit sizes, relationship to nearby land uses, and number of parking spaces and amount of usable open space.

#### **ALTERNATIVES:**

1. That the Design Review Committee recommends to Council that the Official Community Plan amendment and rezoning applications be approved including reasons for this recommendation.
2. That the Design Review Committee recommends to Council that the Official Community Plan amendment and rezoning applications be approved subject to conditions, including reasons for this recommendation.
3. That the Design Review Committee recommends to Council that the Official Community Plan amendment and rezoning applications be denied including reasons for this recommendation.