



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 23-043, Version: 1

REQUEST FOR DECISION

DATE: March 6, 2023

Report No. DEV-23-010

TO: Dan Horan, Chief Administrative Officer

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

SUBJECT:

OCP Amendment and Rezoning Application - 485 South Joffre Street

RECOMMENDATION:

1. That Council amend Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2022, No. 3071 by replacing the words “cross-hatched” with “hatched” in sections 2(1) and 2 (2) and give Bylaw No. 3071 second reading as amended;
2. That Council give third reading as amended to Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2022, No. 3071 which would amend Schedule B, by changing the “Proposed Land Use Designations” from “Low Density Residential” to “Townhouse Residential” and Schedule H, by changing the Development Permit Area from “No. 3 Enhanced Design Control Residential” to “No. 6 Multi-family Residential” for 485 South Joffre Street;
3. That Council amend Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3072 by replacing the words “cross-hatched” with “hatched” in section 2(3) and replacing “11.5 m” with “9.5 m” in Section 6 Building Height and give Bylaw No. 3072 second reading as amended;
4. That Council, give third reading as amended to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3072 to change the zoning designation from Two Family DADU Residential [RD-4] to CD No. 154 [Comprehensive Development District No. 154] for 485 South Joffre Street [PID 006-104-801; Lot 5, Block B, Section 11, Esquimalt District, Plan 4478]; and
5. That Township staff be directed to coordinate with legal counsel and the applicant to register a Section 219 Covenant on the title of the subject property prior to Council’s consideration of adoption of Amendment Bylaws No. 3071 and 3072.

RELEVANT POLICY:

Declaration of Climate Emergency

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

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: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3071 - 485 South Joffre Street

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3072 - 485 South Joffre St - CD154

Appendix C: Maps - Air photo, OCP designations, DP area, and zoning

Appendix D: Zoning, current RD-4, and comparable zone (CD-126 - 937 Colville Road)

Appendix E: BCLS site plan, architectural drawings with landscape plan

Appendix F: Applicant's letters received Jan 2022 & Oct 2021

Appendix G: Green Building Checklist & Arborist's report

Appendix H: On-street Parking Review March 2022

Appendix I: OCP Consultation circulation and CRD response

Appendix J: Applicant's neighbourhood consultation meeting notice and summary

Appendix K: Public comments

Appendix L: Staff's presentation - 485 South Joffre Street

Appendix M: Applicant's presentation - 485 South Joffre Street

TIMELINE:

April 30, 2021: Application received.

December 8, 2021: Design Review Committee (DRC) meeting.

February 15, 2022: Advisory Planning Commission meeting.

March 10, 2022: Revised plans received.

March 21, 2022: Council authorizes staff to refer the OCP amendment application to neighbouring organizations for comment.

March 31, 2022: Applicant hosts their neighbourhood consultation meeting.

June 15, 2022: Applicant requests application be considered at August Council meeting.

August 18, 2022: Applicant indicates preference for consideration by the new Council.

November 15, 2022: Applicant requests to be on the December 19th Council agenda

December 19, 2022: Council grants 1st and 2nd reading to Amendment Bylaw 3071 and 3072 directs the Corporate Officer to schedule a public hearing.

PURPOSE OF APPLICATION:

The applicant is requesting an Official Community Plan amendment from the property's current Low Density Residential designation to a Townhouse Residential designation, with an associated change from the Enhanced Design Control Residential to a Multi-Family Development Permit Area; and a change in zoning from the current Two Family DADU Residential [RD-4] zone to a new Comprehensive Development District, to accommodate six (6) strata townhouse dwelling units, to be constructed in one building on the subject property. The existing house would be demolished, and the proposed new building 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 policy direction contained within the OCP.

Note that amendments are proposed to both bylaws. The first amendments, which are common to both bylaws, are to change the words “cross-hatched” to “hatched” in reference to the schedules. This is to ensure that the bylaws’ text is consistent with the bylaws’ schedules. The second amendment is limited to Bylaw No. 3072, the Bylaw that would amend the Zoning Bylaw. In this case, the amendment would reduce the maximum building height from 11.5 m to 9.5 m. This is because the applicant has revised the design of the proposed building which has reduced the height from 11.31 m to 9.04 m. A buffer has been built into the height to accommodate any changes that may occur during the detailed design of the building.

CONTEXT:

Applicant: Kim Colpman, Large and Co.

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

Architect: MJM Architect Inc.

Property Size: 949 m²

OCP Land Use Designation:

Current: Low Density Residential

Proposed: Low Density Residential

Zone: Two Family DADU Residential [RD-4]

Existing Land Use: Single Family Residential

Proposed Land Use: Townhouse Residential

Surrounding Land Uses:

North: Single and Two Family Residential

South: Single Family DADU Residential

East: Multiple Family Residential

West: Two Family Residential

OFFICIAL COMMUNITY PLAN (OCP) ANALYSIS:

This proposal has been designed to comply with the ‘Townhouse Residential’ Land Use Designation, though the lot is currently in a Low Density Residential designated area (OCP Schedule B) [see maps in Appendix C]. Hence, the applicant has applied for an OCP amendment.

The property at 949 square metres is larger than most properties in this area having a Low-Density

Residential designation and is located within easy walking distance of the town centre services, recreational facilities, Ecole Macaulay Elementary School, Work Point, and BC Transit bus service. As this is a low density designated residential area staff suggested that a Floor Area Ratio (FAR) lower than the 0.70 typically associated with townhouse developments would be more appropriate for this site. The application proposes a FAR of 0.49.

The OCP supports the expansion of housing types in residential areas including duplexes with suites. The immediate neighbourhood contains a mix of single family, two-family, 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.

- 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.
- 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.

- 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.

- 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.

5.5 Age-friendly Housing contains policies to expand and protect seniors housing in Esquimalt to enable citizens to "age in place."

- Support and facilitate development of multi-generational housing, including in medium and high density residential developments.
- Encourage child friendly developments that provide appropriate amenities such as outdoor play areas for young children that are well-separated from traffic circulation and parking areas.

- Encourage adaptable design for all dwellings created through rezoning.
- Encourage more accessible housing for people with mobility limitations on the ground floor of medium and high density residential buildings.
- Encourage the development of seniors housing that is within close proximity and accessible to services and amenities.

11.3 Cycling - 11.3.2 New Development contains policies to encourage the inclusion of bicycle facilities in new developments.

- 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.

OCP Development Permit Areas (DPA):

As the Development Permit is not being considered at this time, it would be inappropriate to address many of the guidelines, except for those that are relevant to the discussion of zoning and parking issues, including the siting of the proposed building. The OCP amendment would change the DPA from the Enhanced Design Control Residential to the Multi-Family Residential.

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.

- 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 establishes objectives for the form and character of multi-family residential development.

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.
- 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.
- 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.

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.
- 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.

ZONING ANALYSIS:

In keeping with other townhouse projects, the proposed Comprehensive Development District zone would contain the following uses: Townhouse Residential and Home Occupation.

Density, Lot Coverage, Siting and Setbacks: The chart on the following page compares the various zoning requirements of this proposal with the existing zone and the requirements of a similar project recently built at 937 Colville Road (CD No. 126 zone). The Joffre Street property is about 30% larger than the average RD-4 zoned lot in this neighbourhood, and considerably larger than the 937 Colville Road property. The context is different as 937 Colville Road was Townhouse Residential designated in the OCP prior to the rezoning application.

The FAR of this proposal at 0.49 is greater than the 0.40 permitted in the Two Family DADU Residential [RD-4] zone, and lower than the 0.68 FAR of the CD No 126 zone. The OCP allows for consideration of up to 0.70 FAR for Townhouse Residential designated properties (see OCP section). The proposed Lot Coverage at 33% is slightly greater than the maximum 30% permitted in the RD-4 zone and similar to CD No. 126.

This proposal requires a substantial reduction to the 7.5 metre front setback requirement of the RD-4 zone, as the proposed building is located 5.2 metres from the front lot line. Placing the building closer to the front lot line allows for more useable open space in the backyard but negatively impacts the neighbourhood character, as the neighbouring home to the south is located 7.3 metres back from the lot line, as is the existing home. With the proposed building having an additional storey it is questionable whether it could satisfy design guideline 23.1.1 and “reflect the size and scale of adjacent development” when placed this close to the front lot line. On the other hand, a 7.5 m front setback could be considered excessive given the current climate emergency and housing crisis - two conditions that did not exist when the original houses in this area were built in the neighborhood.

	RD-4 Zone	CD-126 Zone	485 S Joffre Proposed
Lot Area	668m ²	640m ²	949m ²
Floor Area Ratio (FAR)	0.4	0.68	0.49
Lot Coverage	30%	33%	33%

Front Setback	7.5m	2.3m (0m to stairs)	5.2m (1.2m to stairs)
Rear Setback	7.5m	13.7m (11.8m to stairs)	19m (16m to stairs)
Interior Side Setback (N)	3m	5.4m	5.8m (4.6m to stairs)
Interior Side Setback (S)	1.5m	3.1m	1.4m (0.3m to stairs)
Building Height	7.3m	9.1m	9.04m
Off-Street Parking	1 space/unit	0.8 spaces/unit	1 space/unit
Useable Open Space	n/a	0m	175m ² (18.5%)
Landscaping	n/a	25% of rear yard	34% of rear yard

PARKING ANALYSIS:

The proposal provides six parking spaces for six dwelling units located in a surface parking lot behind the building. All spaces are full size spaces, with no visitor spaces being provided. Parking Bylaw 1992, No. 2011 requires two spaces per dwelling unit for townhouse residential uses. This has been shown to be very difficult to provide and would require almost the complete paving of the lot. This site is located in a very walkable area close to the town centre, recreation facilities, with the regular transit bus corridor on Esquimalt Road a block away. The applicant engaged Urban Systems to complete a parking review of the on-street parking in the vicinity of the subject property (Appendix H). Their conclusion was that on-street parking was less than 50% occupied in the vicinity of this site.

PROPOSED SECTION 219 COVENANT

The applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report No. DEV-23-010. The applicant has, therefore, voluntarily agreed to register a Section 219 Covenant on the title of 485 South Joffre Street [PID 006-104-801; Lot 5, Block B, Section 11, Esquimalt District, Plan 4478] 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:

- Build to BC Energy Step Code 3;
- Electric heating (low carbon building standard) and no gas connection;
- No more or less than 6 parking spaces, one for each unit;
- Each unit has 1 secure exterior bicycle storage facility (locker) with electric plugin and interior light;
- Exterior bike rack(s) to hold at least 4 guest bikes;
- Minimum 2 boulevard trees with species to be approved by the Parks Department, supplied with drip irrigation;
- Each parking stall will have an electric vehicle charger installed; and
- Each unit will be provided with one yearly bus pass.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): Project must be supervised by a BC registered architect. 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. Separate

permits may be required for retaining walls and accessory buildings.

Engineering Services: 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 and gutter 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. A loading space on site is recommended. Additional comments will be provided when a Civil Engineering drawing has been received.

Parks: A tree cutting permit application must be submitted for all trees the applicant is requesting to remove. 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. A Tree Survey is required for all trees on the property and Township Boulevard.

Fire Services: The building will be required to be sprinklered as per Building Regulation Bylaw 2017, No. 2899. Wayfinding signage will be required at the fire department response point to direct emergency responders to all suites. Access paths to suites will be required to be lit and hard packed. Ensure all suites have numbering in a visible location. A fire department lock box will be required as per Lockbox Bylaw 2013, No. 2797. A common electrical room needs to be indicated on future submissions. A Construction Fire Safety Plan will be required for this project. Subject to Code and Bylaw review at time of building permit application.

DESIGN REVIEW COMMITTEE (DRC)

This application was considered at the regular meeting of the Design Review Committee (DRC) held on December 8, 2021. The DRC members supported this application and recommended:

That the application for an OCP amendment and rezoning be forwarded to Council with a recommendation to approve as OCP amendment is appropriate given the unusually large lot, the need for housing, the proximity to other multifamily zoned areas, and the proposed FAR is a small increase to the current permitted within the RD-4 zone.

There were no conditions added to the recommendation though some concerns were raised, and the DRC wanted the applicant to specifically consider building to BC Energy Step Code 4, making improvements to the setbacks by removing a proposed visitor parking space, increase the proposed west and south setbacks, increase the small size of the windows on the south and north elevations, and review the quality of the entrances to the top floor units being located at the back of the building.

The applicant has increased the west (front) setback though not the south side setback. The window area has increased. The entrance to the top floor units is still located at the back of the building, though an additional staircase has been provided.

ADVISORY PLANNING COMMISSION (APC)

This application was considered at the regular meeting of the Advisory Planning Commission (APC) held on February 15, 2022. The APC recommended:

That the application for an OCP amendment and rezoning be forwarded to Council with a recommendation to deny, as the massing is too large and beyond the OCP designation for the area.

The APC also recommended that Council direct staff to initiate a review of the potential for missing middle housing within the neighbourhood to allow for this type of housing.

COMMENTS FROM 1st and 2nd READING AT COUNCIL:

This application was considered at the November 19, 2022 regular meeting of Council.

Council's comments, staff heard, included:

- Like townhouses as more variety in housing is needed,
- Concern with level of density for a side street and the OCP amendment, and
- Recommend plug-ins for electric bikes and one adult yearly bus pass per unit.

ISSUES:

1. Rationale for Selected Option

The building would provide six new homes in Esquimalt each being three-bedroom units on one of the larger lots in this neighbourhood. This site is in a very walkable area close to the town centre, recreation facilities, and the transit bus corridor on Esquimalt Road.

The Design Review Committee recommended support for the application, and the Advisory Planning Commission recommended denial of the application.

According to the CRD - Esquimalt Housing Needs Assessment (2020), townhouses represent one of the few more affordable market housing options for families with children [page 42 - <https://www.esquimalt.ca/business-development/community-planning>].

The applicant has offered the following covenant items:

- Build to BC Energy Step Code 3;
- Electric heating (low carbon building standard) and no gas connection;
- No more or less than 6 parking spaces, one for each unit;
- Each unit has 1 secure exterior bicycle storage facility (locker) with electric plugin and interior light;
- Exterior bike rack(s) to hold at least 4 guest bikes;
- Minimum 2 boulevard trees with species to be approved by the Parks Department, supplied with drip irrigation;
- Each parking stall will have an electric vehicle charger installed; and
- Each unit will be provided with one yearly bus pass.

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 and has committed to building to Step Code level 3 with electric heating and no gas connection.

5. Communication & Engagement

Public Hearing Notification: As this is a rezoning application, as required by the Local Government Act, staff mailed notices to owners and occupiers of properties located within 100 metres (328 feet) of the subject property on February 21, 2023. Notice of the Public Hearing was printed in the February 23, 2023 and March 2, 2023 editions of the Victoria News and the sign indicating the property is under consideration for a change in zoning was updated to show the date, time, and location of the Public Hearing.

Official Community Plan [OCP] Consultation

The Official Community Plan and Zoning Bylaw Amendment Concept Plan was circulated to local First Nations and other stakeholder agencies for comment on March 23, 2022. The Capital Regional District provided a comment reminding Esquimalt of the allocated capacity of the Wastewater Treatment Plant (Appendix I). Esquimalt's Director of Engineering and Public Works is confident there will be plenty of capacity were the proposed six townhouse built and occupied.

Applicant's neighbourhood consultation

With the assistance of Development Services staff, on March 9, 2022, a letter (Appendix J) was mailed on behalf of the applicant to the owners and residents of properties located within 100 metres of the subject property, providing them with an opportunity to provide 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 held a neighbourhood consultation meeting for Thursday, March 31, 2022, in the Esquimalt Recreation Center (Craigflower Room).

ALTERNATIVES:

1. That Council amend both Amendment Bylaws No. 3071 and 3072, give third reading as amended, and that staff be directed to coordinate with legal counsel and the property owner to ensure registration of the Section 219 covenant on the title of the subject property prior to returning Amendment Bylaws No. 3071 and 3072 to Council for consideration of adoption.

2. That Council postpone consideration of Amendment Bylaws No. 3071 and 3072 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 Bylaws No. 3071 and 3072.