



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Staff Report

File #:15-540

REQUEST FOR DECISION

DATE: December 2, 2015

Report No. DEV-15-070

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner

SUBJECT:

Rezoning Application, 322 Plaskett Place, [PID 009-289-810] Lot 8, Block 14, Section 11, Esquimalt District, Plan 195A

RECOMMENDATION:

1. That Council resolves that Amendment Bylaw No. 2862, attached as Schedule 'A' to Staff Report DEV-15-070, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 009-289-810 Lot 8, Block 14, Section 11, Esquimalt District, Plan 195A [322 Plaskett Place] shown cross hatched on Schedule 'A' of Bylaw No. 2862, from RS-3 [Single Family Waterfront Residential] to CD No. 95 [Comprehensive Development District No. 95], be considered for **first and second reading**; and
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2862 and to advertise for same in the local newspaper.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646
Zoning Bylaw, 1992, No 2050
Parking Bylaw, 1992, No. 2011
Development Approval Procedures and Fees Bylaw, No. 2791, 2012
Advisory Planning Commission Bylaw, 2012, No. 2792
Subdivision and Development Control Bylaw, 1997, No. 2175
Green Building Checklist

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective..

BACKGROUND:

Purpose of the Application:

The applicant is requesting a change in zoning from the current RS-3 [Single Family Waterfront Residential] zone to Comprehensive Development District No. 95 [CD-95] to allow one additional Single Family Waterfront Residence to be constructed on southwestern waterfront portion of this site. The existing residence would be retained on a separate fee simple lot that would retain a substantial amount of waterfront property thereby preserving the context of this home.

While this is a Comprehensive Development District rezoning application, should the rezoning be approved, the proposed development would be exempt from the OCP Development Permit Guidelines for Single-Unit Infill Housing. Accordingly, staff have recommended to the applicant, that he voluntarily agreed to register a *Land Title Act* Section 219 covenant respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of the proposed single family home detailed in the colour board rendering provided by the applicant, stamped "Received November 26, 2015", the architectural plans provided by Mesa Design Group, stamped "Received November 26, 2015", the landscape plan provided by Koi Dragon Enterprises Ltd., stamped "Received November 26, 2015", and siting in accordance with the survey plan prepared by Island Land Surveying Ltd., stamped "Received October 16, 2015" [Schedule F].

Context

Applicant/ Owner: Michael Hodson

Property Size: Metric: 2537 m² Imperial: 27,308 ft²

Existing Land Use:

Single Family Residence

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

West: Strait of Juan De Fuca [Pacific Ocean]

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East: Single Family Residential

Existing Zoning: RS-3 [Single Family Waterfront Residential]

Proposed Zoning: CD-95 [Comprehensive Development District No. 95]

Existing OCP Designation: Single and Two Unit Residential [No change required]

Schedules:

- “A” Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2015, No. 2862;
- “B” Site Context Maps and RS-3 zone;
- “C” Green Building Checklist;
- “D” Arborist, Tsunami, and Concept Civil Engineering Design Reports;
- “E” Letters and Petition from Local Owners; and
- “F” Digital Rendering, Colour Board Rendering, Site Plan, Architectural Drawings, Concept Landscape Plan and BCLS Site Plan.

Comments From Other Departments

The plans for this proposal were circulated to other departments and the following comments were received:

Building Inspection: Plans will be reviewed for compliance with BC Building Code and Building Bylaw upon submission of a Building Permit. Staff have no concerns at this time.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and Services that would be required for the new single family house proposed to be located at 322 Plaskett Place. Staff confirms that the design appears achievable on the site however note that the existing home is connected only to municipal sanitary sewer and that storm drainage system has an unknown discharge point. Services for the proposed development must satisfy the requirements of Subdivision and Development Control Bylaw No. 2175 including but not limited to, new sewer and drain connections for each site, and underground hydro, telephone, and cable services. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted in support of the Subdivision Application.

Parks Services: Applicant must satisfy all requirements of municipal Tree Protection Bylaw. Tree protection must be in place prior to any construction activity on the site. A supervising arborist shall be required to monitor protected trees during installation of the proposed driveway and underground services. Recommendations contained in the Arborist reports provided by Talbot Mackenzie and Associates [Schedule D] shall be adhered to should the application be approved.

Fire Services: The driveway to the proposed home must be increased to a minimum of 3.6 metres at the western end of the access strip to ensure adequate room for Fire Department emergency response. Tree limbs overhanging the southern side of the driveway should be trimmed or removed to accommodate unimpeded Fire Apparatus access.

Director of Development Services: Should this rezoning be approved, a Subdivision Development Permit would be required.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on December 17, 2013. Members commented that they liked the proposal and felt the character of the proposed home was consistent with others on the waterfront in this area. Members did raise concerns as reflected in the approved motion.

The APC resolved to forward the application to Council with a **recommendation of approval** with the following conditions:

1. Preliminary civil engineering report addressing design requirements for proposed development including options for alternate placement of required services be provided.
2. Tsunami report prepared by a qualified professional engineer detailing the level of risk a tsunami poses to the property and possible risk mitigation measures be provided.
3. Recommendation to Council that the application be referred to the Advisory Design Review Committee [DRC] for comment.
4. That consideration be given to including a detached Accessory Building, located near the front of the site, in the design.
5. A more comprehensive tree report including information on no-tag trees, subject to property owner permission, and including a more detailed map clarifying tree locations on the site be provided.

In response to these conditions the applicant has amended the proposed design, secured a Tsunami/Sea Level Rise Report and secured an updated Arborist Report and Concept Civil Engineering Plan [Schedule D for all]. Staff are recommending the applicant include conditions contained in all of these reports within the terms of the Section 219 covenant to ensure compliance with these standards should the rezoning application be approved.

Comments from Esquimalt Council

As the applicant had addressed the conditions outlined by the APC, staff presented Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2015, No. 2862 that would amend the zoning of 322 Plaskett

Place to Comprehensive Development District No. 95 to Esquimalt Council on November 2, 2015. Councillors commented that it had been almost two years since the APC reviewed this proposal. Councillors recognized that the development of this site would impact the local neighbourhood and it was noted that the height and setbacks of the proposed design had changed substantially enough from the original proposal to bring the APC recommendation of approval into question.

Council **resolved to send the application back to the APC for review and comment.**

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on November 17, 2015. Members commented that they liked the design and were pleased to see that the applicant had been able to address the issues identified in 2013. Members accepted that the height of the proposed building did not exceed that allowed in existing single family zones and that the increase in height was not a fundamental change to the original design, rather it was driven by the need to raise the lower floor height to accommodate sea level rise and tsunami concerns. Members commented that this proposal was far less impactful than the potential to construct 3 or possibly 4 new homes on this lot and that this proposal represented a balance between preserving trees and open space and allowing development to occur.

The APC resolved to forward the application to Council with a **recommendation of approval.**

Zoning

Parcel Size and Frontage, Floor Area Ratio, Lot Coverage, Height, Setbacks, and Parking: The following chart compares the parcel size, frontage, setbacks, height, lot coverage, parking and floor area of this proposal with the requirements of the RS-3 [Single Family Waterfront Residential Zone]:

	RS-3 (Single Family)	CD - 95 Zone	
		Site A	Site B
Minimum Parcel Size	530 m ²	950 m ²	1550 m ²
Minimum Parcel Frontage	16 m	4.6 m	24.0 m
Floor Area Ratio	0.35	0.32	0.20
Lot Coverage	30%	29%	18%
Setbacks			
Front	7.5 m	57.0/ 10.0 m	15.0 m
Rear	7.5 m	7.8 m	25.0/ 8.5 m

Side	3.0 m/1.5 m	3.0 m/1.5 m	3.1 m/ 2.4 m
Waterfront	7.5 m	7.8 m	25.0 m
Building Height	7.3 m	7.0 m	8.1 m
Off Street Parking	1 space	1 space	1 space

The combined Floor Area Ratio [F.A.R] of this proposal is 0.24 which is significantly less than the 0.35 maximum allowable for single family waterfront dwellings in Esquimalt. The combined Lot Coverage is 21% which is also significantly less than the 30% maximum permitted in the RS-3 [Single Family Waterfront Residential] zone. Floor Area Ratio measures buildable space in ratio to the size of the lot on which a building sits. Even though the existing and proposed homes are substantial in area, the lots they would occupy would be very large.

At the recommendation of staff, and in an effort to improve the likelihood this application for rezoning will be approved, the property owner has volunteered to register a Section 219 covenant against the title of the existing property limiting the development to only two [2] dwelling units to ensure that neither of the proposed homes can convert space for use as a secondary suite.

Official Community Plan

This proposal is consistent with the current Land Use Designation applied to the subject Property, "Single and Two Unit Residential".

OCP Section 2 - Managed Growth - Land Use and Development states that the objectives and policies in this section are designed to promote sustainable land use and development in the community.

OCP 2.0.1(a) states the Township should encourage high quality development that enhances and benefits the community as a whole.

OCP 2.0.1(e) states the Township should encourage small scale redevelopment / infill that improves and enhances the appearance and livability of single- unit and two-unit neighbourhoods and the community as a whole.

OCP 2.0.2(a) states Esquimalt's future new development, infill and redevelopment will be in accordance with the land use designations shown on Schedule A, together with the guidelines set out in Development Permit Areas (Section 9).

OCP Section 2.2 - Residential Land Use recognizes that modest residential growth will occur through the infilling of vacant or under-utilized parcels and states that this growth should occur in a manner that maintains and enhances individual neighbourhoods and the community as a whole.

Section 2.2.1(a) states the Township should work toward a more complete community by maintaining a healthy mixture of housing types, accommodating people with a wide range of income levels.

Section 2.2.1(b) states the Township should encourage new residential development with high design standards for building and landscaping and which enhance existing and new neighbourhoods.

OCP Section 2.2.3(a) - Single-Unit and Two-Unit Residential Policies states that proposed subdivisions or redevelopment / infill within established single-unit and two-unit residential areas must be built to high design and landscaping standards and respond sensitively to existing neighbourhood amenities and existing significant views.

ISSUES:

1. Rationale for Selected Option

This application is consistent with the policy direction contained within the OCP for single unit infill development. The current RS-3 zoning could allow the owner to redevelop the property through construction of a single, very large, dwelling sited 7.5 metres from the natural boundary or potentially subdivide this parcel into multiple lots. This proposal to retain the existing single family home and add a new single unit infill home would distribute the building mass across the site into two distinct homes which integrate into the existing streetscape and waterfront while preserving the majority of trees and open space on the site.

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 [Schedule 'C'].

5. Communication & Engagement

As this is a rezoning application, should it proceed to a Public Hearing, notice would be mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property. Notice of the Public Hearing would be placed in two editions of the Victoria News and the sign indicating that the property is under consideration for a change in zoning that have been installed on the Plaskett Place frontage since December 2013 would be updated to show the date, time and location of the Public Hearing.

To date, staff have received numerous letters and emails from local residents regarding this proposal. The vast majority of these submissions, all received from residents located in the immediate area of the subject property, are opposed to this application. The exceptions are two

separate property owners located on Plaskett Place who are supportive of the application as they feel it is considerate of the neighboring property owners and is less impactful then a multiple lot subdivision on the site [Schedule E].

ALTERNATIVES:

1. That Council reads Amendment Bylaw No. 2862 a first and second time and directs staff to schedule a Public Hearing.
2. That Council postpones consideration of Bylaw No. 2862 pending receipt of additional information.
3. That Council denies first and second reading of Bylaw No. 2862..