

REQUEST FOR DECISION

DATE: September 8, 2015

Report No. DEV-15-046

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner

SUBJECT:

Rezoning Application, 1038 Colville Road, [PID 006-326-617] Lot 12, Block 13, Section 10, Esquimalt District, Plan 2546

RECOMMENDATION:

That Council resolves that Amendment Bylaw No. 2849, attached as Schedule 'A' to Staff Report DEV-15-046, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 006-326-617, Lot 12, Block 13, Section 10, Esquimalt District, Plan 2546 [1038 Colville Road] shown cross hatched on Schedule 'A' of Bylaw No. 2849, from RD-3 [Two Family/ Single Family Residential] to CD No. 92 [Comprehensive Development District No. 92], be considered for **adoption**.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No 2050

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:

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 RD-3 [Two Family/ Single Family Residential] zone to Comprehensive Development District No. 92 [CD-92] which would allow two new single family residences, each on a fee simple parcel. The existing house would be demolished and two new homes 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.

Context

Applicant: Zebra Design [Rus Collins]

Owner: Justin Stubbs [Darrell Stubbs - Representative]

Property Size: Metric: 668 m² Imperial: 7190 ft²

Existing Land Use: Single Family Residence

Surrounding Land Uses:

North: Gorge Vale Golf Course

South: Multiple Family Residential [Non-conforming 3 units]

West: Single Family Residential

East: Single Family Residential

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

Proposed Zoning: CD-92 [Comprehensive Development District No. 92]

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

Schedules:

A Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2849;

B OCP, Zoning and Site context information for subject property; and

C Site Plan, Architectural Drawings, BC Land Survey, Draft Landscape 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 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 two new single family houses proposed to be located at 1038 Colville Road. 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 the requirements of Bylaw No. 2175 including, but not limited to, new sewer and drain connections and underground hydro, telephone and cable services. It is noteworthy that the proposed basements included in the design may require that both sanitary and storm water be pumped into the municipal systems. Should the application be

approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a subdivision application.

Fire Services: No issues with the proposed design. Metal grate over the proposed window well should be lightweight and free fitted [not hard mounted] to ensure easy access/ egress in the event of a fire.

Director of Development Services: Should this rezoning be approved, a Subdivision Development Permit as well as a Development Permit for form and character would be required.

To allow the proposed subdivision, an exemption, approved by Council, to Section 944 of the *Local Government Act* would also be required.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of APC held on February 17, 2015. Members commented that they liked the contemporary design and preferred the detached single family homes on individual fee simple lots as opposed to a duplex for this site. Concerns were raised regarding the proposed pedestrian access to the rear yards as it was noted that getting lawn and garden equipment into the rear yards would be difficult given the stairs on one side and the window well on the other side of each home. Concern was also raised by a member regarding the proximity to the golf course and the possibility that errant golf balls could enter the rear yard. A member inquired as to the possibility for secondary suites in these homes and staff responded the applicant had voluntarily agreed to register a covenant on the property title restricting secondary suites in the proposed homes.

The applicant responded to members' concerns by agreeing to install a lightweight metal grate over the proposed basement window wells to ensure lawnmowers and wheelbarrows could access the rear yards. The applicant stated that both local neighbours and Township staff have identified water table and servicing issues for the site which may make the inclusion of the basements in the design cost prohibitive. This would ensure access to the rear yard as the window wells would not be installed. The applicant also assured the membership that the property sits immediately adjacent to the tee boxes for the 11th hole of the golf course therefore it is extremely unlikely that balls entering the yard will be an issue.

The APC recommended forwarding the application to Council with a **recommendation of approval**.

Zoning

Floor Area, Lot Coverage, Height, Setbacks, and Parking: The following chart compares the setbacks, height, lot coverage, parking and floor area of this proposal with the requirements of the RS-1 [Single Family Residential Zone]:

| | RS-1 (Single Family) | Proposed CD Zone | |
|----------------------------|--------------------------------|-------------------------|----------------------|
| | | Lot 1 [West] | Lot 2 [East] |
| Minimum Parcel Size | 530 m ² | 333.8 m ² | 333.8 m ² |
| Floor Area | 0.35 [FAR] | 154 m ² | 154 m ² |
| Lot Coverage | 30% | 29% | 29% |
| Setbacks | | | |
| Front | 7.5 m | 7.5 m | 7.5 m |
| Rear | 7.5 m | 12.0 m | 10.6 m |
| Side | 3.0 m/1.5 m | 1.8 m/1.5 m | 1.8 m/1.5 m |
| Building Height | 7.3 m | 7.3 m | 7.3 m |
| Off Street Parking | 1 space | 1 space | 1 space |

The proposed Floor Area of 154 square metres including a 19 square metres dedicated to an attached garage is equivalent to a 0.40 Floor Area Ratio [FAR] which exceeds the 0.35 FAR permitted in the RS-1 zone [Schedule B]. The current RD-3 zone permits a FAR of 0.40, therefore, if the applicant sought to construct a duplex the proposed density would be permitted. Staff support this increase from the RS-1 standard as it allows the applicant to offer a three bedroom 2.5 bathroom home, plus basement, which is a desirable configuration for many segments of the marketplace, particularly families.

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 secondary suites.

Official Community Plan

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

Section 2.2 of the Official Community Plan 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.

Section 9.9 of the Official Community Plan contains Guidelines for Single-Unit Infill Housing [Schedule B]. As the Development Permit is not being considered at this time it would be inappropriate to address many of these guidelines with the following exceptions that are relevant to the discussion of zoning issues:

Section 9.9.3.1(a) states that lots currently zoned RD-1 or RD-3, especially those with extra width or lot area are suitable for infill housing applications. The subject property is zoned RD-3 and while it meets only the minimum frontage and parcel size requirements of the zone, it remains consistent with the direction of this policy.

Section 9.9.4.2(e) states that new structures should be designed so that the overall massing is in keeping with other single unit residences in the immediate area. As detailed on Sheet SK3 of the Zebra Design drawing package [Schedule C], the proposed homes, when viewed from the street, are consistent with this policy.

Section 9.9.4.2(f) states that new structures, which are two storeys in height, should be designed so that the second storey is partially concealed within the slope of the roof to minimize the height of the building. The use of dormers set into the roof is preferred to a flat roof or a peaked roof set over the second storey. The proposed design details a contemporary building including a flat roof set over a second floor with a Floor Area equal to the lower floor, therefore it fails to address this design guideline.

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 RD-3 zoning permits the owner to construct a duplex on the subject property. There are recent examples of new duplexes along Colville Road which, while sensitively designed, indicate that a new two family building on this site would likely be substantially larger than existing homes in the area. This proposal for two single unit infill homes is an attempt to integrate the mass of the individual homes into the existing streetscape rather than dominating it. With the exception of a modest increase in allowable Floor Area, the proposed homes are consistent with existing single family residential zoning criteria and promise enhanced building performance for long term sustainability.

On Monday, June 22, 2015, upon closure of the Public Hearing, Council read Amending Bylaw No. 2849 a third time and directed staff to coordinate with the property owner to ensure a Section 219 covenant, prohibiting secondary suites, was registered against the property title prior to returning the Bylaw to Council for consideration of adoption.

Staff confirm that the applicant has voluntarily completed registration of the Section 219 covenant and provided staff with confirmation in the form of Notice of Registration provided by BC Land Title and Survey as well as a copy of the registered Section 219 covenant.

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 provided a list of 'Green Initiatives' for consideration. By virtue of being newly constructed building the two proposed homes would be substantially more efficient than older housing stock.

5. Communication & Engagement

Prior to Bylaw No. 2849 being presented to Council for 1st and 2nd reading, the applicant met individually with local residents regarding this rezoning proposal. Through this voluntary consultation they secured a number of supportive residents as noted in the petition of support provided to staff. After this round of consultation was completed, local residents raised concerns regarding the proposal and submitted letters of opposition and a signed petition opposing this rezoning. The applicant requested staff place the application on hold to allow time for another round of consultation with neighbours as the applicant felt there was confusion in the community regarding their proposal. The applicant went back to local residents to discuss the proposal a second time with a more robust presentation package. After this round of discussion the applicant submitted a letter to Council and the information presented to local residents and requested that staff resume the consideration process.

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property on June 5, 2015 advising them that Council will be considering the requested rezoning on Monday, June 22, 2015. Notice of the Public Hearing was printed in the June 12th and June 17th editions of the Victoria News and a sign indicating that the property is under consideration for a change in zoning that has been in place on the Colville Road frontage since February 2015 was updated to show the date, time and location of the Public Hearing.

The Public Hearing occurred as scheduled on Monday, June 22, 2015. Consistent with the requirements of the *Local Government Act*, Council has been provided no further communication regarding this application.

ALTERNATIVES:

1. Council, upon considering comments made at Public Hearing, resolves that Amendment Bylaw No. 2849 be **adopted**.
2. Council **rescinds third reading** and directs staff to amend Bylaw No. 2849 to accommodate outstanding issues and return it to Council for further consideration, following a new Public Hearing as required by the *Local Government Act*.
3. Council **defeats** Amendment Bylaw No. 2849.