

REQUEST FOR DECISION

DATE: October 29, 2015

Report No. DEV-15-056

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-15-056, 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:

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]

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 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, Site Plan, Architectural Drawings, Concept Landscape Plan and BCLS Site Plan.

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 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 rendering provided by the applicant, stamped "Received September 16, 2015", the architectural plans provided by Mesa Design Group, stamped "Received September 16, 2015", the landscape plan provided by Koi Dragon Enterprises Ltd., stamped "Received September 16, 2015", and siting in accordance with the survey plan prepared by Island Land Surveying Ltd., stamped "Received October 16, 2015" [Schedule F].

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.

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 recommended forwarding 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.

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-1 [Single Family 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	6.0 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 extremely 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”.

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. While a Development Permit is not required and it would be inappropriate to address many of these guidelines, the following exceptions 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. While the subject property is zoned RS-3, it substantially exceeds all of the criteria of an RD zoned site therefore it is consistent with the spirit 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. The proposed new home is significantly removed from the street face and below the street grade therefore it will have no impact on the form and character of the Plaskett Place streetscape. The proposed home is congruent with homes located adjacent to the site that form the western part of the “Royal Point” development which occupies the southern tip of Plaskett Place. As these homes are visible from Saxe Point Park it is desirable that the proposed home complement the existing waterfront viewscape.

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 construct a very large dwelling on the subject property or potentially subdivide it 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.

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 four letters and a petition indicating that the owners of 9 local properties are opposed to this application and one is supportive [Schedule E].

ALTERNATIVES:

1. That Council gives first and second reading to Bylaw No. 2862, 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.