



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Details (With Text)

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Title: Official Community Plan Amendment and Rezoning - 520 Constance Avenue, Staff Report: DEV-18-026

Sponsors:

Indexes:

Code sections:

Attachments: 1. Appendix A - Bylaw 2918 - 520 Constance Ave - OCP - 3rd, 2. Appendix B - Bylaw 2919 - 520 Constance Ave - Rzn - P4 to RM-1, 3. Appendix C - Air photo, OCP and Zoning Designations, P-4 and RM-1 zones, 4. Appendix D - Surveyors Site Plan and Photo, 5. Appendix E - Mail Notice and Newspaper advertisements

Date	Ver.	Action By	Action	Result
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REQUEST FOR DECISION

DATE: May 2, 2018

Report No. DEV-18-026

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Official Community Plan Amendment And Rezoning - 520 Constance Avenue, [PID 006-377-408; Lot 132, Suburban Lot 38, Esquimalt District, Plan 2854]

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2918 [Appendix 'A' of Staff Report DEV-18-026], which would amend Official Community Plan Bylaw, 2006, No. 2646 Schedule 'A' (the 'Land Use Designation Map'), by changing the designation of 520 Constance Avenue [PID 006-377-408; Lot 132, Suburban Lot 38, Esquimalt District, Plan 2854] shown cross-hatched on Schedule 'A' to Bylaw No. 2918, from 'Institutional' to 'Townhouse Residential' be considered for **third reading and adoption**; and
2. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2919 [Appendix 'B' of Staff Report DEV-18-026], which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 520 Constance Avenue [PID 006-377-408; Lot 132, Suburban Lot 38, Esquimalt District, Plan 2854], shown cross-hatched on Schedule 'A' to Bylaw No. 2918 from 'Institutional Day Use [P-4]' to 'Multiple Family Residential [RM-1]', and would also

remove the 'Institutional Day Use [P-4]' zoning designation from Zoning Bylaw, 1992, No. 2050 be considered for **third reading and 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

STRATEGIC RELEVANCE:

This Request for Decision supports the following specific strategic objective:

- Support community growth, housing and development consistent with our Official Community Plan.

BACKGROUND:

Appendix A: Bylaw No. 2918 - Bylaw to Amend OCP Bylaw 2006, No. 2646
Appendix B: Bylaw No. 2919 - Bylaw to Amend Zoning Bylaw 1992, No. 2050
Appendix C: Air Photo, OCP and Zoning Designations Maps, P-4 and RM-1 Zones
Appendix D: Surveyor's Site Plan, Photo of the House
Appendix E: Mail Notice, Newspaper advertisements

Purpose of the Application

The applicant is requesting an amendment to Official Community Plan Bylaw, 2006, No. 2646 to change the property's designation from 'Institutional' to 'Townhouse Residential', and an amendment to Zoning Bylaw, 1992, No. 2050 to change the property's zoning from 'Institutional Day Use' [P-4] to 'Multiple Family Residential' [RM-1] to permit future residential use of the subject property.

The current use of the property as 'day services for adults with disabilities' is no longer needed at the subject location, as the Victoria Association for Community Living is moving their facility to another building in the neighbourhood, which has commercial zoning. The proposed amendments will facilitate the sale of the subject property, with no physical changes to the property.

Context

Applicant: Mike Jensen, Victoria Association for Community Living

Owner: Victoria Association for Community Living (represented by Ellen Tarshis, Executive Director)

Property Size: Metric: 394.8 m² Imperial: 4249 ft²

Existing Land Use: Institutional Day Use [P-4]

Surrounding Land Uses:

North: Single Family Residential [zoned RM-1]
South: Single Family Residential [zoned RM-1]
West: Single Family Residential [zoned RM-1]

East: Multiple Family Residential [zoned RM-1][4 units]

Existing Zoning: Institutional Day Use [P-4]

Proposed Zoning: Multiple Family Residential [RM-1]

Existing OCP Designation: Institutional

Proposed OCP Designation: Townhouse Residential

Official Community Plan [OCP]

The Victoria Association for Community Living has requested a change in the OCP designation from 'Institutional' to 'Townhouse Residential'. This will align the designation with other properties in the immediate vicinity, and facilitate the rezoning of the property to a residential use.

The Official Community Plan allows for sensitive infill development in residential zones, provided the development is consistent with the form and character of the existing neighbourhood. The existing neighbourhood contains a mix of single family, two-family and multi-family housing types.

The property would be added to the Multi Unit Residential Development Permit Area [DP Area No. 1]. Future owners of the property would require a development permit if they were to propose the construction of a Townhouse Residential project.

Zoning

The Institutional Day Use [P-4] zone; which was created in 1994 to serve the Victoria Association for Community Living program for adults with disabilities, would cease to exist. The proposed Multiple Family Residential [RM-1] zone aligns with the zoning that has been granted to the adjacent properties, by the municipality, as a means to facilitate higher density development in this area. There is a provision in the zoning bylaw that would also allow the use of the property as a single family home, within the RM-1 zone.

Parking

There is sufficient parking on the site for the single family residential use.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on February 20, 2018. The APC members were supportive of the application.

The APC made the following motion: *The Esquimalt Advisory Planning Commission [APC] recommends that the application for rezoning and an OCP amendment authorizing the change from Institutional use to Residential use without any physical changes to the property at 520 Constance Avenue [PID 006-377-408, Lot 132, Suburban Lot 38, Esquimalt District, Plan 2854] be forwarded to Council with a recommendation to approve; as the requested use fits with the uses and character of the neighbourhood.*

Note: All projects are subject to compliance with the BC Building Code, Esquimalt Subdivision and Servicing Bylaw, Esquimalt Zoning Bylaw and other Regulations and Policies set by Council.

Timeline

- January 15, 2018: Application for rezoning received by Development Services;
- February 20, 2018: Application presented to Advisory Planning Commission;
- March 5, 2018: Council authorizes OCP Consultation authorization to circulate, and grants first and second reading to Amendment Bylaws No. 2918 and 2919;
- May 7, 2018: Public Hearing and Council consideration for third reading and adoption for Amendment Bylaws No. 2918 and 2919.

ISSUES:

1. Rationale for Selected Option

The proposal supports community growth, housing and development consistent with the Official Community Plan. The proposed changes are consistent with the character and existing designations in the neighbourhood. The APC has recommended approval of the application.

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

This Request for Decision has no significant sustainability or environmental implications.

5. Communication & Engagement

OCP Amendment Consultation

The application was circulated to local first nations, school boards, parent advisory committees, Boys and Girls Club, Esquimalt Neighbourhood House, Military Family Resource Centre and outside agencies for comment on March 6, 2018. No comments have been received as a result of this mailing.

Public Notification

As this is an OCP amendment and a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on April 20, 2018 [Appendix E]. Notice of the Public Hearing was placed in the April 27, 2018 and May 2, 2018 editions of the Victoria News. The sign, indicating that the property is under consideration for a change to the zoning, that has been installed on the Constance Avenue frontage since February 2018, was updated to show the date, time and location of the Public Hearing. At the time of writing this report Development Services staff have not received any comments from the public regarding the proposed rezoning application.

Applicant neighbourhood meeting submission

The applicants have indicated that they held the required neighbourhood meeting at the subject property on January 11, 2018. They notified all owners and residents within 100m of the subject property and five people attended the meeting. The only concern raised at that meeting was whether the property should be zoned for single family residential or for the multiple family residential [townhouse] use being requested.

ALTERNATIVES:

1. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2918 [Appendix 'A' of Staff Report DEV-18-026], which would amend Official Community Plan Bylaw, 2006, No. 2646 Schedule 'A' (the 'Land Use Designation Map'), by changing the designation of 520 Constance Avenue [PID 006-377-408; Lot 132, Suburban Lot 38, Esquimalt District, Plan 2854] shown cross-hatched on Schedule 'A' to Bylaw No. 2918, from 'Institutional' to 'Townhouse Residential' be considered for third reading and adoption; and

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2919 [Appendix 'B' of Staff Report DEV-18-026], which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 520 Constance Avenue [PID 006-377-408; Lot 132, Suburban Lot 38, Esquimalt District, Plan 2854], shown cross-hatched on Schedule 'A' to Bylaw No. 2918 from 'Institutional Day Use [P-4]' to 'Multiple Family Residential [RM-1]', and would also remove the 'Institutional Day Use [P-4]' zoning designation from Zoning Bylaw, 1992, No. 2050 be considered for third reading and adoption.

2. Council postpone consideration of Amendment Bylaws No. 2918 and 2919 pending receipt of additional information. [Note that receipt of new information from the applicant or the public would require a new Public Hearing.]
3. Council defeats Amendment Bylaws No. 2918 and 2919.