



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 21-345, Version: 1

REQUEST FOR DECISION

DATE: June 22, 2021

Report No. DEV-21-048

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

OCP Amendment and Rezoning Application (for adoption) - 842 Carrie Street

RECOMMENDATION:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3005 attached as Appendix 'A' of Staff Report DEV-21-048, which would amend the 'Proposed Land Use Designations' map, thereby changing the designation of 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276] shown cross-hatched on Schedule 'A' of Bylaw No. 3005, from 'DPA No. 6 - Multi-Family Residential' to 'DPA No. 3 - Enhanced Design Control Residential' be adopted; and
2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3006 attached as Appendix 'B' to Staff Report DEV-21-048, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276], shown cross-hatched on Schedule 'A' of Bylaw No. 3006, from Single Family Residential [RS-1] to Comprehensive Development District No. 133 [CD. No. 133], be adopted.

RELEVANT POLICY:

Declaration of Climate Emergency

Official Community Plan Bylaw, 2018, No. 2922 [OCP]

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:

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

BACKGROUND:

Appendix A: Bylaw No. 3005 - Amendment to Official Community Plan Bylaw, 2018, No. 2922

Appendix B: Bylaw No. 3006 (CD 133) - Amendment to Zoning Bylaw 1992, No. 2050

Appendix C: Section 219 Covenant CA9047501 [as registered]

Purpose of the Application:

The applicant is requesting a change in zoning from Single Family Residential [RS-1] to a Comprehensive Development District, to facilitate the future subdivision of the lot and the construction of a new house to the west of the existing principal dwelling. The Esquimalt Official Community Plan Bylaw, 2018, No. 2922 [OCP] 'Present' land use designation for this property is Low Density Residential and the 'Proposed' land use designation is Townhouse Residential. The OCP amendment is necessary to amend the OCP Schedule H - Development Permit Areas map for this location, changing the site from DPA No. 6 - Multi-Family Residential to DPA No. 3 - Enhanced Design Control Residential.

Context:

Applicant/ Owners: Janos Farkas and Xeniya Vins, Xquimalt Developments

Timeline:

October 25, 2019 - Rezoning application received (staff request revisions)

February 21, 2020 - Revised application package received

April 21, 2020 - Advisory Planning Commission provides a recommendation

May 6, 2020 - Applicant's neighbourhood consultation package mailed

June 3, 2020 - OCP Amendment consultation package mailed

September 14, 2020 - Council granted first reading to Bylaw No. 3005 and 3006

October 26, 2020 - Council granted second reading to Bylaw No. 3005 and 3006 and directed the Corporate Officer to schedule a public hearing. Prior to scheduling the public hearing development services staff negotiated the details of the Section 219 covenant terms with the applicant

March 1, 2021 - Public hearing and 3rd reading of Bylaws by Council

June 11, 2021 - Registered covenant returned to staff

ISSUES:

1. Rationale for Selected Option

The property owner has voluntarily executed and registered a Section 219 covenant on the property, acknowledging that the amenities and the restrictions are in the public interest, and thereby providing that the lands shall not be subdivided, built upon, or used in the absence of all the following:

- New building to achieve BC Energy Step Code Level 3
- Existing building to achieve BC Energy Step Code Level 3, when renovated
- Electric vehicle charger for the new house, and for the existing house upon renovation
- Heat pump will be provided as the primary heating for the new house which would not have a gas connection (fossil fuel heating source)
- Existing house would have a heat pump installed as the primary heating source upon renovation and keep its gas connection

- A secondary suite would be permitted in the Site A building only
- Neither lot can be sold until the renovations are completed

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

Building to BC Energy Step Code Level 3 will lower the long-term greenhouse gas requirements of the buildings over current minimum building code construction standards.

5. Communication & Engagement

Public Hearing:

A public hearing was held on March 1, 2021.

Official Community Plan [OCP] Consultation:

The Official Community Plan and Zoning Bylaw Amendment concept plan was circulated to local First Nations and other agencies for comment on June 3, 2020. No concerns were raised from these agencies.

Applicant's neighbourhood consultation:

In lieu of a neighbourhood meeting, at the direction of the Director of Development Services and with the assistance of staff, on May 6, 2020 a letter 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 telephone or email the applicant with any comments or concerns, in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

ALTERNATIVES:

1. That Council adopts Amendment Bylaw No. 3005 [Appendix A] and Amendment Bylaw No. 3006 [Appendix B].
2. That Council defeats Amendment Bylaw No. 3005 [Appendix A] and Amendment Bylaw No. 3006 [Appendix B].