



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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| <b>On agenda:</b>     | 1/21/2019   | <b>Final action:</b> |   |                |  |
| <b>Title:</b>         | Rezoning Application - 471 Kinver Street, Staff Report DEV-19-006   |                      |   |                |  |
| <b>Sponsors:</b>      |   |                      |   |                |  |
| <b>Indexes:</b>       |   |                      |   |                |  |
| <b>Code sections:</b> |   |                      |   |                |  |
| <b>Attachments:</b>   | 1. Appendix A - Bylaw 2946 - 471 Kinver Street - CD113, 2. Appendix B - Maps, Air Photo, RD-3 zone, 3. Appendix C - BCLS Site Plan and Architectural Drawings, 4. Appendix D - Green Building Checklist, 5. Appendix E - Applicants Neighbourhood Consultation, 6. Appendix F - Mail Notice and Newspaper Advertisement |                      |   |                |  |

| Date | Ver. | Action By | Action | Result |
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## REQUEST FOR DECISION

**DATE:** January 16, 2019

Report No. DEV-19-006

**TO:** Laurie Hurst, Chief Administrative Officer

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

**SUBJECT:**

Rezoning Application - 471 Kinver Street

**RECOMMENDATION:**

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2946 [Appendix A] of staff report DEV-19-006, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 471 Kinver Street [Parcel A (DD 187668I) of Lots 1 and 2, Block 3 Section 11, Esquimalt District, Plan 6016; PID 005-918-545], shown cross-hatched on the Schedule A of Bylaw No. 2946, from RD-3 [Two Family/ Single Family Residential] to CD No. 113 [Comprehensive Development District No. 113] **be considered for third reading and adoption.**

**RELEVANT POLICY:**

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

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

### 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. 2946 - Bylaw to Amend Zoning Bylaw 1992, No. 2050

Appendix B: Maps, Air Photo, RD-3 zone

Appendix C: Site Plan and Architectural Drawings

Appendix D: Green Building Checklist

Appendix E: Applicant's Neighbourhood Consultation

Appendix F: Mail Notice and Newspaper Advertisements

### Purpose of the Application

The applicant is requesting a change in zoning from the current RD-3 [Two Family/ Single Family Residential] zone to a Comprehensive Development zone [CD] which would allow two 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.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed uses, height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, parking, how the building relates to surrounding sites; and consistency with the overall direction contained within the Official Community Plan.

### Context

Applicant: Shawn Adye

Owners: Shawn Adye and Graham Turner

Property Size: Metric: 803.6 m<sup>2</sup> Imperial: 8649.9 ft<sup>2</sup>

Existing Land Use: Single Family Residence

Surrounding Land Uses:

North: Single Family Residential [RD-3]

South: Single Family Residential [CD-59]

West: Two Family Residential [RD-1]

East: Two Family Residential [RD-1]

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

Proposed Zoning: CD [Comprehensive Development District]

Existing OCP Designation: Low Density Residential [No change required]

### Zoning and Parking

In keeping with other single unit projects, the proposed Comprehensive Development District zone would contain the following uses: single family residential, home occupation, boarding and urban hens. The applicant has not proposed secondary suites in this development.

### Density, Lot Coverage, Siting and Parking:

The following chart compares the floor area ratio, lot coverage, setbacks, building height, and parking of this proposal with the requirements of the RS-1 [Single Family Residential Zone]:

|                            | RS-1 [Single Family] | Proposal Lot A [North] | Proposal Lot B [South] |
|----------------------------|----------------------|------------------------|------------------------|
| <b>Minimum Parcel Size</b> | 530 m2               | 401.8 m2               | 401.8 m2               |
| <b>Floor Area Ratio</b>    | 0.35                 | 0.35                   | 0.35                   |
| <b>Lot Coverage</b>        | 30%                  | 28%                    | 28%                    |
| <b>Setbacks - Front</b>    | 7.5 m                | 7.5 m                  | 7.5 m                  |
| <b>Setbacks - Rear</b>     | 7.5 m                | 16.3 m                 | 16.3 m                 |
| <b>Setbacks - Side</b>     | 3.0/1.5 m            | 1.5/1.5 m              | 1.5/1.5 m              |
| <b>Building Height</b>     | 7.3 m                | 6.8 m                  | 7.1 m                  |
| <b>Off Street Parking</b>  | 1 space              | 1 space                | 1 space                |

Floor Area Ratio [FAR] measures the size of a building (or for all principal buildings on a lot) as a ratio of the size of the lot on which a building sits. The combined FAR of this proposal is 0.35 which matches the maximum F.A.R. allowed in the Single Family Residential [RS-1] zone. The applicant has designed this project to generally comply with the RS-1 zone requirements, including F.A.R., lot coverage, building height, setbacks, and parking. The exception is the 3 metre interior side setback, which is difficult to provide on narrow lots.

Esquimalt requires one parking space “behind the front face of the principle building” for a single family residence. This proposal incorporates a single car garage in each unit, thereby meeting this regulation.

### Official Community Plan

This proposal is consistent with the ‘Present’ and the ‘Proposed’ Land Use Designations applied to the subject property, “Low Density Residential”.

The following policies were considered in evaluating this development application:

Section 5 - Housing & Residential Land Use contains policies that are intended to ensure that concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character are addressed.

- Policy: Support the inclusion of secondary suites within present and proposed low density residential land use designated areas.
- Policy: Support the inclusion of detached accessory dwelling units on appropriate low density residential land use designated areas where only one principal dwelling unit exists.
- Policy: Support the development of a variety of housing types and designs to meet the anticipated housing needs of residents. This may include non-market and market housing options that are designed to accommodate young and multi-generational families, the local workforce, as well as middle and high income households.

5.2 Low Density Residential Redevelopment contains policies that support development that improves and enhances the appearance and livability of neighbourhoods and the community as a

whole.

- Policy: Proposed redevelopment or infill within present low density residential land use designated areas should be built to high quality design and landscaping standards and respond sensitively to existing neighbourhood amenities.
- Policy: Consider the inclusion of secondary suites in infill developments where it is demonstrated that neighbourhood impacts can be mitigated.

There will be a Development Permit required prior to a building permit being issued; therefore, applicants are urged to consider the DP guidelines early in the process. Many DPA guidelines require that the zoning issues (useable open space, lot coverage, height, density, massing, siting, setbacks, parking, how the building relates to adjacent homes) and natural area / tree protection be considered in order to be able to fulfill the guidelines for a development site.

This site is included within four development permit areas: Development Permit Area No. 1 - Natural Environment, DPA No. 3 Enhanced Design Control Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation.

### **Green Building Features**

The applicant has completed the Esquimalt Green Building Checklist [Appendix D].

### **Comments from Other Departments**

Building Inspection: No concerns, subject to review for Building Code and Bylaw compliance at time of Building Permit application.

Engineering Services: Engineering has completed a preliminary review of the proposed development at 471 Kinver Street. The developer should be aware that they may be required to provide Works and Services up to the road centre line, at the expense of the property owner. The development is to have sewer, drain, catch basin and water service connections, as well as underground hydro, telephone, and cable. At a minimum new curb, gutter and sidewalks along the frontage of the proposed development may be required. Additional review and comments will be provided upon receipt of detailed engineering drawings. All proposed Works and Services shall be as per Bylaw, 1997, No. 2175. It is the responsibility of the applicant to hire a qualified professional for the design and construction supervision of all Works and Services, including construction costs, engineering fees, administrative fees and as indicated in Bylaw No. 2175.

Fire Services: No concerns.

Parks Services: A tree cutting permit is required for any tree removal. Protection by tree protection fencing set up at the drip-line to be provided for all the trees to be retained, prior to commencement of site preparation, demolition and construction.

### **Recommendation from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on Wednesday, August 21, 2018.

The APC members supported this application and made the following motion:

The application for rezoning, authorizing two new single family dwellings sited in accordance

with the surveyor's plan prepared by Glen Mitchell, Land Surveying Inc., and incorporating the height and massing consistent with the architectural plans provided by Hartman's Drafting & Design, both stamped "Received July 9, 2018", for the proposed development to be located at 471 Kinver Street [PID 005-918-545; Parcel A (DD 187668I) of Lots 1 and 2, Section 11, Esquimalt District, Plan 6016] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposed development is a good fit for the neighbourhood and a good use of the land.

## ISSUES:

### 1. Rationale for Selected Option

The Advisory Planning Commission has recommended approval of this application. This proposal complies with the Official Community Plan policies and guidelines for infill housing, and would be similar in form and character to several of the infill projects that have been completed in this neighbourhood in recent years.

### 2. Organizational Implications

This Request for Decision has no significant organizational implications.

### 3. Financial Implications

This Request for Decision has no significant financial implications.

### 4. Sustainability & Environmental Implications

The proposal before Council would result in a denser built urban environment which is generally associated with reduced greenhouse gas emissions. The livability of a development and the neighbourhood contributes to the social and economic sustainability of the community.

### 5. Communication & Engagement

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on January 8, 2019 [Appendix F]. Notice of the Public Hearing was placed in the January 11, 2018 and January 16, 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 Kinver Street frontage since August 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 - [Appendix E]

The applicant has indicated that they canvassed the neighbourhood, and held a public meeting on October 11, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

## ALTERNATIVES:

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2946 be considered for third reading and adoption.
2. Council postpone consideration of Amendment Bylaw No. 2946 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 Bylaw No. 2946.