



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: Development Permit - 455 Sturdee Street, Staff Report No. DEV-19-085
Sponsors:
Indexes:
Code sections:
Attachments: 1. Appendix A - Key Plan, 2. Appendix B - DP000125 455 Sturdee Street DP with Appendix, 3. Appendix C - Survey Plan Certification for Strata Plan EPS5951, 4. Appendix D - Tsunami Report prepared by Ryzuk Geotechnical and dated August 8, 2019

Date	Ver.	Action By	Action	Result
9/30/2019	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: September 14, 2019

Report No. DEV-19-085

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Development Permit for the subdivision of 455 Sturdee Street (Appendix A) from two residential lots into three residential lots (Appendix B).

RECOMMENDATION:

That Council resolves that Development Permit No. DP000125, attached as Appendix B to Staff Report DEV-19-085, consistent with survey plan certification for Strata Plan EPS5951 (Appendix C) digitally signed by Scott Pearse on July 2, 2019 be approved, and staff be directed to issue the Permit and register the notice on the titles of the properties located at 455 Sturdee Street legally described as:

Most Northerly Lot: PID 008-290-113, Lot 22 Suburban Lot 48 Esquimalt District Plan 822; and

Most Southerly Lot: PID 030-656-672, Lot A Suburban Lot 48 Esquimalt District Plan EPP86766

RELEVANT POLICY:

Declaration of Climate Emergency

Official Community Plan Bylaw, 2018, No. 2922

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
Local Government Act

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix A: Key Plan
Appendix B: DP000125
Appendix C: Survey Plan Certification for Strata Plan EPS5951
Appendix D: Tsunami Report prepared by Ryzuk Geotechnical and dated August 8, 2019

Purpose of Application

Section 489 of the Local Government Act prohibits the subdivision of land without a development permit unless the Official Community Plan exempts the subdivision of land from the requirement of a development permit. Esquimalt's Official Community Plan exempts subdivisions resulting in three or fewer bare land strata parcels unless the proposed subdivision is located within 20 m of the Gorge Waterway or within the Hazardous Conditions Development Permit Area. As the proposed subdivision is located within the Hazardous Conditions Development Permit Area it is subject to Development Permit Area No. 2: Protection of development from hazardous conditions.

The purpose of the development permit application is to assess whether or not the proposed subdivision meets the guidelines in Development Permit Area No. 2 and to establish a minimum geodetic flood elevation for future residential development due to the Tsunami hazard (Appendix "D") for proposed Strata Lots "B" and "C" of Strata Plan EPS5951 (Appendix "C"). Proposed Strata Lot "A" is above the calculated Tsunami flood level of 9.0 m geodetic. This Development Permit does not authorize the construction of any structures or buildings within the proposed subdivision. Separate development permits will be required for any future development within the proposed subdivision. This Development Permit is strictly related to the proposed subdivision and the establishment of a Tsunami flood level.

Context

Applicant:	Aaron Flaig
Owner:	Darrel Russell Brown
Property Size:	Proposed Park Area = 115.9 m ² Proposed Strata Lot A = 619.8 m ² Proposed Strata Lot B = 687.3 m ² Proposed Strata Lot C = 767.1 m ² Common Property Access = 293.6 m ² Total Area = 2483.7 m ²
Existing Land Use:	Vacant Residential
Surrounding Land Uses:	
North:	Single detached residential dwelling
South:	Straight of Juan de Fuca

West: Single detached residential dwelling
East: Single detached residential dwelling
OCP Proposed Land Use Designation: Low density residential [No change required]
Zoning: Single Family Waterfront Residential [RS-3] [No change required]

Chronology

Development permit application received on August 16, 2019 and presented to the Advisory Planning Commission on August 20, 2019.

Zoning

The proposed lots conform to the Single-Family Waterfront Residential [R-3] zone in terms of minimum area and minimum lot width. However, in order to allow for the efficient development, several variances are required. The proposed variances will be dealt with through a separate development variance permit which is the subject of another staff report.

Official Community Plan

Development Permit Area No. 2 contains the following guidelines related to the Protection of Development from Hazardous Conditions:

1. No building intended for the occupation of people shall be built within an area directly impacted by a tsunami.
2. Tsunami walls, retaining walls, sea walls, and other similar structures located in an area directly impacted by a Tsunami shall be designed to absorb wave energy and deflect residual wave energy away from locations likely to be occupied by people.
3. Use of board form design, landscaping, breaking up large expanses of flat surfaces, and other techniques to add interest in Tsunami walls, sea walls, and other similar structures is encouraged.
4. The use of construction materials that may leach toxic chemicals over time into the land or water should be avoided.
5. Incorporating wildlife habitat such as marine pools, nesting ledges, rough surfaces, sheltered coves, and similar design elements into tsunami walls, retaining walls, and sea walls is encouraged.

None of these guidelines related directly to the proposed subdivision. However, after the subdivision is approved, every proposed development within the subdivision will need a development permit and will be subject to the guidelines.

Recommendation from the Advisory Planning Commission

The Advisory Planning Commission recommended that the application for a Development Permit for the "Protection of Development From Hazardous Conditions" for a proposed three-lot bare land strata subdivision prepared by Powell & Associates, BC Land Surveyors and stamped "Received August

14, 2019" that would set the minimum habitable floor height at 9.0 m geodetic be forwarded to Council with a recommendation to approve, as the development will add value to the community, is a reasonable expansion of the existing two lots and the height is the recommendation of the Engineering Report.

ISSUES:

1. Rationale for Selected Option

The proposed subdivision provides for a slight increase in density in the neighbourhood. It also provides the Township with a strip of parkland along the shore which may be used as part of a walkway in the future.

2. Organizational Implications

There are no significant organizational implications.

3. Financial Implications

There are no significant financial implications.

4. Sustainability & Environmental Implications

The old house on the site has been demolished. If the subdivision application is approved, three new houses will be built and likely be more energy efficient than the old house.

5. Communication & Engagement

There are no statutory requirements to notify neighbors about development permits. The neighbours were notified about the proposed development variance permit associated with this development permit.

ALTERNATIVES:

- 1) Approve DP000125.
- 2) Approve DP000125 with conditions.
- 3) Deny DP000125 with reasons and state what the applicant has to do in order to conform to the Guidelines in Development Permit Area No. 2