



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

**File #:** 19-459      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Public Hearing  
**File created:** 9/30/2019      **In control:** Council  
**On agenda:** 10/7/2019      **Final action:**  
**Title:** Rezoning Application - 615 Bryden Court, Staff Report DEV-19-091  
**Sponsors:**  
**Indexes:**  
**Code sections:**

**Attachments:** 1. Appendix A - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2966, 2. Appendix B - Subject Property Map, Aerial Map, and Zoning Map, 3. Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan, 4. Appendix D - Green Building Checklist, 5. Appendix E - Developer's Public Consultation Summary, 6. Appendix F - Public Comments

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

**DATE:** October 1, 2019

Report No. DEV-19-091

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

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 615 Bryden Court

**RECOMMENDATION:**

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2966, attached to Staff Report DEV-19-091 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 615 Bryden Court [PID 005-340-004, Lot A, Section 11, Esquimalt District, Plan 9543], shown cross hatched on Schedule 'A' of Bylaw No. 2966, from RD-3 [Two Family/Single Family Residential] to CD No. 122 [Comprehensive Development District No. 122], be given third reading and adoption.

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No 2050

Parking Bylaw, 1992, No. 2011

Declaration of a Climate Emergency

Development Application Procedures and Fees Bylaw, 2012, No. 2791

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:**

Appendix A: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2966

Appendix B: Subject Property Map, Aerial Map, and Zoning Map

Appendix C: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan

Appendix D: Green Building Checklist

Appendix E: Developer's Public Consultation Summary

Appendix F: Public Comments

**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 District zone [CD] to accommodate two new single family dwellings.

Evaluation of this application should focus on issues relevant to zoning such as the proposed height, density, massing, siting, setbacks, lot coverage, usable open space, the building's relation to adjacent and surrounding sites, and whether the proposed uses are appropriate and consistent with the overall direction contained within the Official Community Plan.

This site is located within Development Permit Area No. 1 - Natural Environment, No. 3 - Enhanced Design Control Residential, No. 7 - Energy Conservation and Greenhouse Gas Reduction and No. 8 - Water Conservation of the Township's Official Community Plan. If the rezoning application is approved, a development permit governing the form and character of the buildings, landscaping, and consistency with guidelines relating to natural environment protection, energy conservation, greenhouse gas reduction, and water conservation would be considered by Council at a future date.

**Context**

Applicant: Mike Barbon

Owner: Tyler Carlo Barbon, Carol Patricia Barbon, and Mike Barbon Construction Ltd., Inc.No. BC0518987

Property Size: Metric: 780 m<sup>2</sup> Imperial: 8396 ft<sup>2</sup>

Existing Land Use: Single Family Residential

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

West: Single Family Residential

East: Multiple Family Residential Apartment

Proposed OCP Land Use Designation: Low Density Residential [No change required]

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

Proposed Zoning: CD No. 121 [Comprehensive Development District No. 121]

**Chronology**

Application received:	January 31, 2019
Advisory Planning Commission review:	April 16, 2019
Neighbourhood meeting:	August 24, 2019
First and second readings:	September 9, 2019
Public hearing:	October 7, 2019

### **Zoning**

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

	<b>Proposed CD-122 Zone</b>	<b>RS-1</b>
<b>Parcel Size</b>	2 Parcels at 385 m <sup>2</sup> each	Minimum of 530 m <sup>2</sup>
<b>Floor Area Ratio</b>	0.35	0.35
<b>Lot Coverage</b>	30%	30%
<b>Setbacks</b>		
• <b>Front</b>	7.5 m	7.5 m
• <b>Rear</b>	7.45 m	7.45 m
• <b>Side</b>	1.5 m / 3.0 m	1.5 m / 3.0 m
<b>Building Height</b>	7.3 m	7.3 m
<b>Off Street Parking</b>	1 space/dwelling unit	1 space/dwelling unit

In general, the proposed comprehensive development zone has been created to correspond to the RS-1 zone. The applicant has also designed this proposed development to comply with the standards of the RS-1 zone.

The main differences between the proposed comprehensive development zone and the RS-1 zone are as follows:

- Minimum parcel size of 385 m<sup>2</sup> compared to 530 m<sup>2</sup>
- Rear setback of 7.45 m compared to 7.5 m
- Minimum lot width of 13.6 m compared to 16 m

### **Official Community Plan**

The proposed development for two single family dwellings is consistent with the proposed land use designation of 'Low Density Residential' at 615 Bryden Court. The two proposed single family dwellings do not include a secondary suite.

OCP Section 5.1 General: Anticipated Housing Needs in the Next Five Years states an objective to support expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character.

Supporting policies in this section consistent with the proposed development include:

- 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.

OCP Section 5.2 Low Density Residential Development states an objective to strive for redevelopment and infill development that improves and enhances the appearance and livability of neighbourhoods and the community as a whole.

Supporting policies in this section consistent with the proposed development include:

- 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.

### **Green Building Features**

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

### **Comments from the Advisory Planning Commission**

This application was considered at the regular meeting of the Advisory Planning Commission held on April 16, 2019. Members had no concerns with the application.

The APC resolved that the application be forwarded to Council with a recommendation of approval as the proposed development is reasonable, appropriate, is consistent with the infill policies in the Official Community Plan, and fits in the neighbourhood.

### **Comments from Other Departments**

The plans for this proposal were circulated to other departments and the following comments were received:

#### **Community Safety Services:**

Building to be constructed to requirements of the BC Building Code 2018 and municipal bylaws. Applicant must address all issues contained within the Township Development Protocol should the application be approved. Plans will be reviewed for compliance with BC building code upon submission of a building permit application.

#### **Engineering Services:**

Engineering staff have completed a preliminary evaluation of works and services that would be required at 615 Bryden Court. Staff confirm the design appears achievable on the site and appropriate works and services are available in the immediate area. If approved, the development must be serviced in accordance with bylaw requirements including, but not limited to, new sewer and drain connections, underground hydro, telephone and cable services and new road works may be required up to the centre line of Bryden Court. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a building permit application.

#### **Parks Services:**

A tree cutting permit is required for any tree removal. 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.

#### **Fire Services:**

Fire Services staff have completed a preliminary review of the proposed plans and have no concerns at this time.

## ISSUES:

### 1. Rationale for Selected Option

The application is consistent with the policy direction contained within the Official Community Plan for a low density residential designated property. This Comprehensive Development Zone has been written to maintain the density and lot coverage of the prevailing RS-1 zones for Single Family Dwellings in creating the same proportion of open space and an appropriate contextual fit as it relates to massing. Moreover, the APC recommended approval of this 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

The applicant has completed the Esquimalt Green Building Checklist, detailing green features that will be considered for inclusion in the development should it be approved [Appendix D].

### 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. Notice of the Public Hearing was placed in two editions of the Victoria News. Furthermore, one sign indicating that the property is under consideration for a change in zoning has been in place on the Bryden Court frontage since April 2019 and was updated to show the date, time, and location of the Public Hearing.

As required by the Development Application Procedures and Fees Bylaw, 2012, No. 2791, the applicant delivered notices to properties within 100 metres of the subject property soliciting comments and inviting residents to attend a public open house. This meeting was held from 10am to 11am, August 24, 2019, at the subject property of 615 Bryden Court. Staff confirm the applicant has provided the required submissions indicating that 5 people attended the meeting [Appendix E]. To date, there has been one response from the public regarding this rezoning application [Appendix F].

## ALTERNATIVES:

1. That Council, upon considering comments made at the Public Hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2966, be given third reading and adoption.

2. Council postpone consideration of Amendment Bylaw No. 2966 pending receipt of additional information. [Receipt of new information from the applicant or the public would require a new Public Hearing]

3. Council defeats Amendment Bylaw No. 2966.