



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Details (With Text)

File #: 21-126 **Version:** 1 **Name:**
Type: Staff Report **Status:** Passed
File created: 2/23/2021 **In control:** Council
On agenda: 3/1/2021 **Final action:** 3/1/2021
Title: Rezoning Application 1048 Tillicum Road - Adoption, Staff Report No. DEV-21-017
Sponsors:
Indexes:
Code sections:

Attachments: 1. Appendix A - Amendment Bylaw No. 3012 - OCP Bylaw, 2018, No. 2922, 2. Appendix B - Amendment Bylaw No. 2994 - Zoning Bylaw, 1992, No. 2050, 3. Appendix C - Registered Covenant, 4. Appendix D - Architectural Drawings, Colour Board, Optional Garage Design, Shadow

Date	Ver.	Action By	Action	Result
3/1/2021	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: February 23, 2021 Report No. DEV-21-017
TO: Laurie Hurst, Chief Administrative Officer
FROM: Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services
SUBJECT:

Official Community Plan Bylaw Amendment and Rezoning Application -1048 Tillicum Road

RECOMMENDATION:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2020, No. 3012 attached as Appendix A to Staff Report DEV-21-017, which would amend Official Community Plan - Schedule H, the 'Development Permit Areas' map, by changing the designation of 1048 Tillicum Road [PID 005-010-390, Lot D, Section 10, Esquimalt District, Plan 11683], shown cross-hatched on Schedule 'A' of Bylaw No. 3012, from 'DPA No. 3 - Enhanced Design Control Residential' to 'DPA No. 6 - Multi-Family Residential' be adopted; and

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2994, attached as Appendix B to Staff Report DEV-21-017, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 1048 Tillicum Road [PID 005-010-390, Lot D, Section 10, Esquimalt District, Plan 11683], shown cross-hatched on Schedule 'A' of Bylaw No. 2994, from Two Family Residential [RD-1] to Comprehensive Development District No. 132 [CD. No. 132], be adopted.

RELEVANT POLICY:

Declaration of a Climate Emergency

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:

Livable, healthy, and diverse community - support community growth, housing, and development consistent with our Official Community Plan (OCP).

BACKGROUND:

Appendices

Appendix A: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2020, No. 3012" - 1048 Tillicum Road.

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2994 - 1048 Tillicum Road

Appendix C: Section 219 Covenant - 1048 Tillicum Road - Registered at LTSA

Appendix D: Architectural Drawings, Colour Board, Optional Garage Design, Shadow

Purpose of the Application

The applicant is requesting a change in the Official Community Plan - Schedule H, the 'Development Permit Areas' map, by changing the designation of subject property from 'DPA No. 3 - Enhanced Design Control Residential' to 'DPA No. 6 - Multi-Family Residential', and a change in zoning from the current Two Family Residential [RD-1] zone to Comprehensive Development District No. 132 [CD-132] zone, to accommodate the proposed five strata townhouse residences to be constructed in two buildings on the subject property.

Context

Applicant: Zebra Design [David Yamamoto]

Owner: 1175902 BC Ltd., Inc. No. BC1175902 [Andrew Mills]

Timeline

May 9, 2019 - Rezoning application received.

June 18, 2019 - Advisory Planning Commission provides a recommendation.

July 10, 2019 - Design Review Committee provides a recommendation.

August 30, 2019 - Revised Drawings provided detailing changes resulting from APC and DRC comments.

February 13, 2020 - Revised Drawings provided detailing changes resulting from an amended grading plan for the site.

March 10, 2020 - Revised drawings provided clarifying EV charger locations and the height of retaining walls.

March 16, 2020 - 1st reading of Bylaw No. 2994 by Council.

April 27, 2020 - 2nd reading of Bylaw No. 2994 by Council based on amended plans.

June 1, 2020 Council approves Waiving the Public Hearing for Bylaw No. 2994.

June 22, 2020 - Staff send mail notices, ensure on-site signage is updated, post relevant information the Township website and coordinate VicNews ads as required by *Local Government Act*.

July 6, 2020 - Council reads Bylaw No. 2994 a third time and directs staff and the Township Solicitor

to coordinate with the applicant to register a Section 219 covenant on the title of the property.
September 14, 2020 - Authorized representatives of the Township executed S.219 Covenant.
October 5, 2020 OCP Council approved OCP Stakeholder Circulation List.
October 15, 2020 OCP Amendment Mail Notice to Stakeholders distributed (Appendix K).
November 16, 2020 - Closing date for initial stakeholder feedback (no responses received).
December 21, 2020 - Council reads Official Community Plan Amendment Bylaw No. 3012 a first and second time, rescinded third reading of Zoning Bylaw Amendment Bylaw No. 2994 and directed the Corporate Officer to Schedule a Public Hearing.
December 22, 2020 - Public Hearing Notices mailed out and signage on site updated.
December 31, 2020 and January 7, 2021 - Public Hearing advertisements run in Victoria News.
January 11, 2021 - Public Hearing and Council considers reading Official Community Plan Amendment Bylaw No. 3012 and Zoning Bylaw Amendment Bylaw No. 2994 a third time.
January 13, 2021 - Applicant's solicitor submitted the executed Section 219 Covenant to LTSA for registration.
February 16, 2021 - Applicant's solicitor provided confirmation of registration of the covenant to staff.
March 1, 2021 - OCP and Zoning amending bylaws presented for adoption by Council.

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 (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- The existing buildings will only be used for their current uses prior to demolition,
- The number of dwelling units in the new development will remain at no more than five [5] units, as stated in Bylaw No. 2994,
- Three (3) visitor parking spaces will be provided and remain as illustrated in the Site Plan, SK-1, attached as Schedule A of the Section 219 Covenant [Appendix C of Staff Report DV-21-017],
- Installation of an electric vehicle charging station in each of the five [5] private garages and at each of the three [3] visitor parking spaces,
- Installation of screening around the garbage and recycling area,
- Installation of two visitor bicycle lockups within the parking area, and
- A constraint on the future strata corporation that the rental of the units will not be restricted.

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

Increasing residential density in existing neighbourhoods, particularly along major transportation corridors and transit routes is believed to make a community more sustainable.

5. Communication & Engagement

Public Hearing

The Public Hearing occurred on January 11, 2021, as scheduled following appropriate notification, including mailing of notices, advertising in two consecutive editions of the Victoria News, and updating of signage on the property. Consistent with the requirements of the Local Government Act, Council has been provided with no further communications from the public for this application since the last public hearing. A previous Public Hearing for Amendment Bylaw No. 2994 was waived on July 6, 2020 following appropriate notification procedures.

Official Community Plan [OCP] Consultation

The Official Community Plan and Zoning Bylaw Amendment Concept Plan was circulated to local First Nations and other stakeholder agencies for comment on October 15, 2020. No concerns were raised from these agencies.

Applicant's neighbourhood meeting submission

The applicant held a public meeting (open house) and met with neighbours on October 9, 2019, in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

ALTERNATIVES:

1. That Council adopt Official Community Plan Bylaw, 2020, No. 2922, Amendment Bylaw, 2020, No. 3012 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2994.
2. That Council defeats Official Community Plan Bylaw, 2020, No. 2922, Amendment Bylaw, 2020, No. 3012 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2994.