



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

---

File #: 19-038, Version: 1

---

### REQUEST FOR DECISION

**DATE:** January 16, 2019

Report No. DEV-19-004

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

**FROM:** Janany Nagulan, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 1198 Munro Street

**RECOMMENDATION:**

1. That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2947 attached as Appendix 'A' of Staff Report DEV-19-004, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 1198 Munro Street [PID 005-455-031, Lot 1, Section 11, Esquimalt District, Plan 44436] shown cross-hatched on the Schedule 'A' to Bylaw No. 2947 from Two Family/ Single Family Residential [RD-3] to Comprehensive District Zone No. 114 [CD No. 114] **be considered for third reading;**

2. That the owner wishes to assure Council that no further development will occur before the subdivision is approved and the subdivision will occur as per architectural drawings and proposed subdivision plan [Appendix C] and that no secondary suites will be allowed in the proposed building, and has voluntarily agreed to register a Section 219 covenant on the title of 1198 Munro Street;

That Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the aforementioned items is registered against the property title prior to returning Amendment Bylaw No. 2947 to Council for consideration of 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, 2012, No. 2791

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. 2947 - Bylaw to Amend Zoning Bylaw 1992, No. 2050

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

Appendix C: Architectural Drawings and Proposed Subdivision Plan

Appendix D: Green Building Checklist

Appendix E: Feedback from Neighbourhood Meetings - August 8 & November 21, 2018

Appendix F: Mail Notice and Victoria News Newspaper Advertisements

## **Purpose of the Application**

The applicant is requesting a change in zoning from the current RD-3 zone [Two Family/Single Family Residential] to a Comprehensive Development District Zone [CD] to enable an additional house on the property. The existing house on the property will not be removed; however the existing garage will be removed to construct a new single family dwelling with a rooftop deck. Should the rezoning be approved, the form and character of the building 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: Duane Ensing [Villimar Design]

Owners: Karen and Byron Rotgans

Property Size: Metric: 958m<sup>2</sup> Imperial: 10311.8 ft<sup>2</sup>

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

West: Single Family Residential

East: Charitable Organization Office & Park

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

Proposed Zoning: CD [Comprehensive Development District]

Existing OCP Designation: Low Density Residential

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

## **Zoning and Parking**

The proposed Comprehensive Development District Zone would be consistent with other single unit projects and would contain the following uses: single family residential, home occupation, boarding and urban hens. The applicant has not proposed a secondary suite in the 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] and its current zone RD-3 [Two Family/ Single Family]:

|                            |  |                             | Proposed CD Zone                | Proposed CD Zone |
|----------------------------|--|-----------------------------|---------------------------------|------------------|
|                            | <b>Current Zone</b><br><b>RD-3</b> [Two Family/ Single Family] | <b>RS-1</b> [Single Family] | Lot A [West] With existing home | Lot B [East]     |
| <b>Minimum Parcel Size</b> | 686 m2   | 530 m2                      | 600 m2                          | 358 m2           |
| <b>Floor Area Ratio</b>    | 0.40   | 0.35                        | 0.33                            | 0.40             |
| <b>Lot Coverage</b>        | 35%  | 30%                         | 25%                             | 34%              |
| <b>Setbacks - Front</b>    | 7.5 m  | 7.5 m                       | 7.1 m                           | 5.1 m            |
| <b>Setbacks - Rear</b>     | 7.5 m  | 7.5 m                       | 4.2 m                           | 2.1 m            |
| <b>Setbacks - Side</b>     | 3.0 m/1.5m   | 3.0/1.5 m                   | 2.8/2.4 m                       | 5.0/3.4 m        |
| <b>Building Height</b>     | 7.3 m  | 7.3 m                       | 5.76 m                          | 6.9 m            |
| <b>Off Street Parking</b>  | 1 space  | 1 space                     | 1 space                         | 2 spaces         |

Floor Area Ratio [FAR] measures the size of a building (or for all principal buildings on a lot) as a ratio of the area of the lot on which a building sits. The combined FAR of the new proposed dwelling is 0.40 which matches the maximum FAR allowed for a lot less than 800 m<sup>2</sup> in the RD-3 zone which permits the single family residential use. The applicant has designed this project to generally comply with its current zone, RD-3 requirements, including FAR, lot coverage, and building height.

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. The applicant has held a public consultation meeting and feedback from the meeting indicated that there were concerns raised in regards to available parking. As a result another parking spot is to be added on the proposed east lot.

### **Official Community Plan**

This proposal is consistent with the ‘Present’ and ‘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**

Objective: Support the expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character.

- 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.

### **Section 5.2 Low Density Residential Redevelopment**

Objective: Strive for redevelopment and infill 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.

### **Green Building Features**

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

### **Comments from Other Departments**

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

**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 1198 Munro 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 maybe required. 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. Additional review and comments will be provided upon receipt of detailed engineering drawings.

**Fire Services:** Fire has no objection to this project.

**Parks Services:** Tree cutting permit application must be completed for all trees proposed to be removed. Application must be approved prior to any removal. Tree protection fencing must be erected at the dripline of all trees that are being retained, including boulevard trees.

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

This application was considered at the regular meeting of the APC held on October 16, 2018. The APC members were supportive of the application, and passed a motion that the application for rezoning, which would be required in order to subdivide the existing lot into two residential lots in accordance with Proposed Subdivision Survey prepared by Wey Mayenburg Land Surveying Inc. stamped "Received September 17, 2018" and be consistent with the architectural plans provided by Villamar Design stamped "Received September 17, 2018" for the proposed development to be located at 1198 Munro Street [PID 005-455-031, Lot 1, Section 11, Esquimalt District, Plan 44436] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposal is a sensitive small lot infill that will gradually increase density and not have sufficient impact on the community.

### **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.

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 proposal before Council would result in a denser 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 ft) of the subject property on January 8, 2019. Notice of the Public Hearing was placed in the January 11, 2019, and January 16, 2019 editions of the Victoria News [Appendix F]. Three signs indicating that the property is under consideration for a change in zoning have been installed on the property since September 2018. These signs have been updated to include the date, time, and location of the Public Hearing.

The applicant held two Neighbourhood Meetings [Appendix E]. The first was held prior to the submission of the application on August 8, 2018. The second was held on November 21, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2971.

**ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2947 be considered for third reading.
2. Council postpone consideration of Amendment Bylaw No. 2947 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. 2947