



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-171, **Version:** 1

REQUEST FOR DECISION

DATE: April 10, 2019

Report No. DEV-19-036

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Rezoning Application - 901 Selkirk Avenue

RECOMMENDATION:

1. That Council, upon considering comments made at the Public Hearing, determines that Bylaw No. 2955, attached as Appendix 'A' to Staff Report DEV-19-036, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 901 Selkirk Avenue [PID 009-285-831, Lot 14 Block A Section 10 Esquimalt District Plan 195 Except Part in Plans 12714, 13477, and 15155] shown cross-hatched on Schedule 'A' of Bylaw No. 2955, from RD-1[Two Family Residential] to CD No. 118 [Comprehensive District Zone No. 118] be considered for third reading;

2. That the owner wishes to assure Council that secondary suites will not be permitted within any of the proposed single family dwellings, and the owner has voluntarily agreed to register a Section 219 Covenant on the title of 901 Selkirk Avenue.

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 are registered against the property title prior to returning Amendment Bylaw No. 2955 to Council for consideration of adoption.

RELEVANT POLICY:

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Declaration of Climate Emergency

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, 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. 2955 - Bylaw to Amend Zoning Bylaw, 1992, No. 2050

Appendix B: Air Photo, Maps, RS-1 Zone

Appendix C: Architectural Drawings and Proposed Subdivision Plan

Appendix D: Green Building Checklist

Appendix E: Parking Study Conducted by the Applicant

Appendix F: Applicant Engagement and Feedback from Neighbourhood Meeting

Appendix G: Public Comments

Appendix H: Mail Notice and Victoria News Advertisements

Purpose of the Application

The applicant is requesting a change in zoning from the current RD-1 Zone [Two Family Residential] to a CD [Comprehensive Development District] Zone which would permit a three residential lot subdivision, where each lot would contain a proposed single family dwelling. Should the rezoning and subdivision 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: Kors Development Services Inc. [Denise Kors]

Owners: Radius Property Group Inc. [Amit Sandhu]

Property Size: Metric: 1057 m² Imperial: 11377.45 ft²

Existing Land Use: Vacant

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Two Family Residential

Existing Zoning: RD-1 [Two Family Residential]

Proposed Zoning: CD [Comprehensive Development District]

Existing 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. Secondary Suites will not be permitted within the zone.

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 Zone [Single Family Residential] and its current zone RD-1 Zone [Two Family Residential]:

	Current Zone RD-1 [Two Family]	RS-1 [Single Family]	Proposed CD Zone		
			Site A [South]	Site B [East]	Site C [West]
Minimum Parcel Size	668 m ²	530 m ²	350 m ²	348 m ²	359 m ²
Floor Area Ratio	0.40	0.35	0.36	0.35	0.34
Lot Coverage	30%	30%	28%	28%	30%
Setbacks					
• Front	7.5 m	7.5 m	6.0 m	5.5 m	5.5 m
• Rear	7.5 m	7.5 m	7.5 m	6.3 m	6.2 m
• Side	3.0 m/1.5 m	3.0 m/1.5 m	2.1/1.5 m	1.5 m/ 3.6m	2.3m/3.5m
Building Height	7.3 m	7.3 m	7.3m	7.3 m	7.3 m
Off Street Parking	1 space	1 space	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 area of the lot on which a building sits. The FAR of each new proposed dwelling generally matches the maximum FAR allowed for a lot zoned RS-1 single family residential. The applicant has designed this project to generally comply with the RS-1 Zone requirements, including FAR, lot coverage, building height and off-street parking.

Esquimalt requires one parking space “behind the front face of the principal 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’ Land Use Designation applied to the subject property of “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 901 Selkirk Avenue. The department had the following comments:

Completion of Works and Services

According to Bylaw 2175, including all Schedules, the developer may be required to provide all Works and Services up to the road centerline. All Works and Services that are required to be constructed and installed at the expense of the Owner shall be constructed before the Approving Officer approves the development unless the Owner:

- Deposits with the Municipality a Security Deposit in the amount of 120% of the estimated construction cost, and
- Enters into a Servicing Agreement with the Municipality.

Serviceability

A preliminary review reveals that the subject property is connected to both the Municipal Sewer System and Drainage system, with services capped in 1997. The proposed development is to have Services as per Bylaw 2175 (Subdivision and Development Control Bylaw), including, but not limited to, new sewer and drain connection, and underground H/T/C. New curb, gutter and sidewalk along the frontage may also be required.

Engineering

The Applicant is responsible for retaining the services of a qualified professional for the design and construction supervision of all Works and Services, including construction cost, engineering fees, administrative cost and contingency allowance, and as indicated in Bylaw 2175.

Additional Comments

Additional servicing review comments will be provided when detailed engineering drawings are submitted.

Fire Services: No Fire Code/ Department Concerns.

Parks Services: Please proceed as per Southshore Forests Consultants Arborist Report. Apply for tree cutting permits at time of approvals.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on June 19, 2018. The APC members were supportive of the application, and passed a motion that the application to rezone the subject property in order to allow it to be subdivided into three residential lots, as illustrated in the Proposed Subdivision Survey prepared by Explorer Land Surveying Inc. dated received May 18, 2018 (Schedule "A") with the proposed zoning bylaw regulations as set out in the attached Info Sheet (Schedule "B"), be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve, as the proposed use and site is in keeping with the neighbourhood.

ISSUES:

1. Rationale for Selected Option

- This proposal generally complies with the Official Community Plan policies.
- The proposal fits within the context of the neighbourhood.
- The Advisory Planning Commission has 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 proposed three single family dwellings would result in a denser urban environment which is generally associated with reduced greenhouse gas emissions. The livability of a development and the neighbourhood would contribute 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 April 1, 2019. Notice of the Public Hearing was placed in the April 5, 2019, and April 10, 2019 editions of the Victoria News [Appendix H]. Three signs indicating that the property is under consideration for a change in zoning have been installed on the property since July 2018, and have been updated to include the date, time, and location of the Public Hearing.

Emails and letters were received by the Township from members of the community expressing concerns in regards to the proposed development [Appendix G].

The applicant held a Neighbourhood Consultation Meeting [Appendix F] on July 24, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971. Also included are letters sent by the developer to the immediate neighbours regarding plan changes.

ALTERNATIVES:

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2955 be considered for third reading.

2. Council postpone consideration of Amendment Bylaw No. 2955 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. 2955.