



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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**File #:** 19-581, **Version:** 1

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### REQUEST FOR DECISION

**DATE:** December 10, 2019

Report No. DEV-19-117

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

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 1076 Colville Road

**RECOMMENDATION:**

1. That Council, upon considering comments made at the Public Hearing, determines that Bylaw No. 2980, attached as Appendix 'A' to Staff Report DEV-19-117, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 1076 Colville Road [PID 000-716-901, Lot 12 Block 12 Section 10 Esquimalt District Plan 5241] from RS-1 [Single Family Residential] to CD. No. 129 [Comprehensive District No. 128] be given third reading.

2. That the owner wishes to assure Council that secondary suites will not be permitted within the proposed two family dwelling (Duplex), and the owner has voluntarily agreed to register a Section 219 Covenant on the title of 1076 Colville Road.

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. 2980 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: Healthy, Livable and

Diverse Community - Support community growth, housing and development consistent with our Official Community Plan.

## **BACKGROUND:**

Appendix A: Bylaw No. 2980 - Bylaw to Amend Zoning Bylaw, 1992, No. 2050

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

Appendix C: Architectural Drawings and Legal Survey

Appendix D: Green Building Checklist

Appendix E: Feedback from Neighbourhood Meeting - July 17, 2019

Appendix F: Mail Notice and Victoria News Advertisements

## **Purpose of the Application**

The applicant is requesting a change in zoning from the current RS-1 zone [Single Family Residential] to a Comprehensive Development District zone [CD] to permit a new duplex. The existing single family dwelling must be demolished before the new duplex is constructed. There is a rezoning application for the property east of the subject property, at 1072 Colville Road. The rezoning application was submitted by the same owner for the same purpose; however, it will be rezoned separately. Should the rezoning be approved, the form and character of the buildings and landscaping would be controlled by a development permit for consideration 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: Dave Kindrat [1112202 B.C. LTC].

Property Size: Metric: 646 m<sup>2</sup> Imperial: 6953.49 ft<sup>2</sup>

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Golf Course [P-3]

South: Single Family Residential [RS-1]

East: Single Family Residential [RS-1] - Proposed Rezoning to Comprehensive Development District for Two Family Residential

West: Single Family Residential [RS-1]

Existing Zoning: RS-1 [Single Family Residential]

Proposed Zoning: CD [Comprehensive Development District]

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

## **Chronology**

Application Received: January 24, 2019

Application Reviewed by APC: June 18, 2019

## **Zoning and Parking**

The proposed Comprehensive Development District zone would be consistent with duplex projects

and would contain the following uses: two family residential, home occupation, boarding and urban hens. The applicant has not proposed an accessory building on the lot.

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

	<b>Current RS-1 [Single Family Residential]</b>	<b>RD-1 [Two Family Residential]</b>	<b>Proposed CD Zone 1076 Colville Road</b>
<b>Minimum Parcel Size</b>	530 m <sup>2</sup>	668 m <sup>2</sup>	646 m <sup>2</sup>
<b>Floor Area Ratio</b>	0.35	0.40	0.40
<b>Lot Coverage</b>	30%	30%	36%
<b>Setbacks</b>			
• <b>Front</b>	7.5 m	7.5 m	6.8 m
• <b>Rear</b>	7.5 m	7.5 m	7.5 m
• <b>Side</b>	3.0 m/1.5 m	3.0 m/1.5 m	2.1 m /1.6 m
<b>Building Height</b>	7.3 m	7.3 m	7.3 m
<b>Off Street Parking</b>	1 space	2 spaces	2 spaces

The Floor Area Ratio [FAR]: The new proposed duplex has a FAR of 0.40 which is consistent with the maximum FAR allowed for a lot less than 800 m<sup>2</sup> in the RD-1 zone.

Lot Coverage: The Lot Coverage of the current proposal is 36% which exceeds the typical requirement for a RD-1 Zone. Accessory buildings are not proposed therefore are not included in the Lot Coverage calculations.

Setbacks: The Eastern Side Setback of the proposed duplex is 1.6 m and the proposed Western Side Setback is 2.1 m. To be consistent with the RD-1 Zone the Side Setback requirements are 3.0 m and 1.5 m. The proposed front setback is 6.8 m and the rear setback is 7.5 m and within the RD-1 Zone the Front and Rear Setback are 7.5 m each.

### **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 staff have completed a preliminary review of the proposed development and have the following comments:

### Completion of Works and Services

In accordance with Bylaw No. 2175, the developer may be required to provide all works and services up to the road centreline. 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 the drain service connection for the subject property is discharged to the yard. The proposed development will have services as per Bylaw No. 2175, including, but not limited to, new sewer and drain connections to each side of the duplex and underground Hydro, telephone and cable. New curb, gutter, and sidewalk along the frontage are also 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 fees, and as indicated in Bylaw No. 2175.

### Additional comments

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

Fire Services: No Concerns

Parks Services: A tree cutting permit application must be submitted for all trees that are planned to be removed as part of the construction, including boulevard trees. All trees that are to be retained must have tree protection fencing, erected at the drip line prior to commencement of work. No trees are to be removed prior to receiving an approved tree cutting permit.

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

This application was considered at the regular meeting of the APC held on June 18, 2019. The APC members were supportive of the application, and passed the following motion: That the application for rezoning, authorizing one new duplex on the property in accordance with Site Plan prepared by McIlvaney Riley Land Surveying Inc. stamped "Received May 10, 2019" and be consistent with architectural plans provided by Adapt Design stamped "Received April 17, 2019" for the proposed development to be located at 1076 Colville Road [PID 000-716-901, Lot 12 Block 12 Section 10 Esquimalt District Plan 5241] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the setbacks and floor area ratio are reasonable and appropriate given the size of the property. The proposal is a good infill design and is consistent with the Official Community Plan.

### **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.
- The option of putting a covenant on the property to prohibit secondary suites.

#### **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**

Public Hearing notices were mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property. Further, a "Notice of the Public Hearing" was published in the December 6, 2019, and December 11, 2019, editions of the Victoria News. In addition, a sign indicating that the property is under consideration for a change in zoning has been installed on the property since May 2019. The sign has been updated to include the date, time, and location of the Public Hearing.

The applicant held a Neighbourhood Consultation Meeting [Appendix E] on July 17, 2019, in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971.

**ALTERNATIVES:**

1. Council, upon considering comments made at the Public Hearing, resolves that Amendment Bylaw No. 2980 be given third reading.
2. Council postpone consideration of Amendment Bylaw No. 2980 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. 2980.