



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

---

File #: 20-311, Version: 1

---

### REQUEST FOR DECISION

**DATE:** June 30, 2020

Report No. DEV-20-040

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

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application (For Adoption) - 636 and 640 Drake Avenue

**RECOMMENDATION:**

1. That Council resolves that Bylaw No. 2950 attached as Appendix 'A' of Staff Report DEV-20-040, which would amend the Official Community Plan Bylaw, 2018, No. 2922 by:

- changing Schedule 'B', being the Proposed Land Use Designations Map by changing the designation of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2950, from 'Low Density Residential' to 'Townhouse Residential'; and
- changing Schedule 'H', being the Development Permit Areas Map by changing the designation of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2950, from Development Permit Area No. 3 - Enhanced Design Control Residential to Development Permit Area No. 6 - Multi-Family Residential be adopted.

2. That Council, resolves that Bylaw No. 2951 attached as Appendix 'B' of Staff Report DEV-20-040, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565] shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2951, from RD-1 [Two Family Residential] to CD No. 116 [Comprehensive Development District No. 116], be adopted.

**RELEVANT POLICY:**

Declaration of 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:**

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. 2950 - Amendment to Official Community Plan Bylaw, 2018, No. 2922  
Appendix B: Bylaw No. 2951 (CD 116) - Amendment to Zoning Bylaw 1992, No. 2050  
Appendix C: Section 219 Covenant CA8211672 [as registered]

## **Purpose of the Application**

The applicant is requesting a change in the Official Community Plan [OCP] - 'Proposed Land Use Designation' from 'Low Density Residential' to 'Townhouse Residential', and a change in zoning from the current Two Family Residential [RD-1] zone to a Comprehensive Development [CD] zone, to accommodate the proposed seven strata townhouse residences, to be constructed in three buildings on the subject property. A concomitant amendment is also required to Schedule H of the OCP to change the development permit area for the subject properties from "Enhanced Design Control Residential" to "Multi-family Residential".

## **Context:**

Applicant/ Owner: Chris Travis, Dimma Pacific Properties Ltd.

## **Timeline:**

April 17, 2018 - Rezoning and OCP amendment application received  
May 31, 2018 - Neighbourhood consultation package mailed  
July 11, 2018 - Design Review Committee provides a recommendation  
October 16, 2018 - Advisory Planning Commission provides a recommendation  
December 20, 2018 - OCP amendment consultation package mailed to agencies on Council's list  
April 1, 2019 - 1<sup>st</sup> and 2<sup>nd</sup> reading of bylaws by Council  
December 2, 2019 - Public hearing and Council provided the applicant with comments  
March 16, 2020 - Second public hearing and 3<sup>rd</sup> reading of bylaws by Council  
June 17, 2020 - Registered covenant returned to staff

## **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:

- Lot consolidation of 636 Drake Avenue [PID 002-923-211; Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] and 640 Drake Avenue [PID 002-923-157; Lot 2, Suburban Lots 50 and 41, Esquimalt District, Plan 25565] prior to development, as the proposed CD No.116 zone does not work unless the parcels are consolidated
- buildings to meet a minimum BC Energy Step Code Level 3
- 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 seven [7] units, as stated in Amendment Bylaw No. 2951
- one (1) visitor parking space and three (3) flexible strata parking spaces will be provided and remain as illustrated in the landscaping plan
- an electric vehicle charging station in each of the seven [7] private garages
- seven (7) one year transit passes, one (1) for each dwelling unit will be supplied to initial purchasers
- a common outdoor social area with benches, and a wood arbour
- a common screened garbage area
- a drainage field area with overflow to retain a percentage of the stormwater on site
- a visitor bicycle parking area with a bike rack, and
- a constraint on the future strata corporation that rental of the units will not be restricted.

## 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

Building to BC Energy Step Code Level 3 will lower the long-term greenhouse gas requirements of the buildings, over current minimum building code construction standards. Desirable family housing in a central location lessens the need for excessive commuting, and lower carbon commuting is being encouraged with electric vehicle charging stations, bicycle parking, and transit passes.

## 5. Communication & Engagement

### Public Hearing

The Public Hearing occurred on March 16, 2020, as scheduled following appropriate notification; including mailing of notices, advertising in two consecutive editions of the Victoria News, and updating of signage on the properties. 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 was also held December 2, 2019, 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 agencies for comment on December 20, 2018. No concerns were raised from these agencies.

Applicant's neighbourhood meeting submission

The applicant has indicated that they held a public meeting (open house) and met with neighbours on June 8, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

**ALTERNATIVES:**

1. That Council adopt Amendment Bylaw No. 2950 [Appendix A] and Amendment Bylaw No. 2951 [Appendix B].
2. That Council defeats Amendment Bylaw No. 2950 [Appendix A] and Amendment Bylaw No. 2951 [Appendix B].