

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2888

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "*ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2888*".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended by:
 - (a) updating Section 55 **McLOUGHLIN POINT SPECIAL USE [I-3] ZONE** to reflect the language as shown on Schedule "A", which is attached to and forms a part of this bylaw;
 - (b) changing the zoning designation from **MARINE NAVIGATION [M-4] ZONE** to **McLOUGHLIN POINT SPECIAL USE [I-3] ZONE** of any portion of the parcel known as 337 Victoria View Road with legal description of PID 030-006-813 Lot 1, Section 11 and part of the bed of Victoria Harbour, Esquimalt District, Plan EPP36468 shown cross-hatched on the plan attached as Schedule 'B' to this bylaw, not already in the I-3 Zone [*such change resulting from the updated Plan EPP36468 incorporating former water lots*];
 - (c) changing the Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" to show the changes in zoning classification effected by this bylaw;
 - (d) updating Section 63(1)(d) in the **MARINE NAVIGATION [M-4] ZONE** to reflect the updated legal description noted above, such that it reads:
"(d) Boat Moorage Facility, abutting Lot 1, Plan EPP36468"
and
 - (e) updating the Section 2 **DEFINITIONS** of :Sewage Pumping Facility and Sewage Screening Facility to reference, respectively, odour control and grit collection such that these definitions read as follows:
"Sewage Pumping Facility" means a combination of electrical and mechanical equipment, primarily within one or more buildings that includes odour control for the facility, that establishes a hydraulic head on raw sewage.
"Sewage Screening Facility" means the equipment necessary to remove and dispose of objects from raw sewage, including grit as well as objects that would otherwise float when discharged to the Sea.

READ a first time by the Municipal Council on the ---- day of -----, 2017.

READ a second time by the Municipal Council on the ---- day of -----, 2017.

A Public Hearing was held pursuant to the *Local Government Act* on the ---- day of -----
, 2017.

READ a third time by the Municipal Council on the ---- day of -----, 2017.

ADOPTED by the Municipal Council on the ---- day of -----, 2017.

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER

DRAFT

ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2888

SCHEDULE "A"

55. McLOUGHLIN POINT SPECIAL USE [I-3]

The intent of this Zone is to accommodate the Core Area Liquid Wastewater Treatment Plant, and commercial, high-tech industrial, recreational and educational and accessory uses, or any combination thereof. The Zone provides for the wastewater treatment plant, and a density-bonusing structure and amenities to maximize the development potential of the site for the proposed 108 mL wastewater treatment plant by redirecting amenities that might otherwise have been located on these lands to other municipal, waterfront and community projects that support the use and long-term integration with the site, and providing for amenities off-site given the lost opportunity for amenities on-site. Non-industrial uses are contingent on satisfaction of environmental and contaminated site requirements.

(1) Permitted Uses

- (a) Accessory office
- (b) Accessory Residential, subject to Section 26
- (c) Wastewater Treatment Plant, which may include any or all of the following uses:
 - (i) Commercial Instruction and Education
 - (ii) Educational Interpretive Centre
 - (iii) Research Establishment
 - (iv) Business and Professional Office
 - (v) Marine Outfall
 - (vi) Accessory uses
- (d) Business and Professional Office
- (e) High technology uses
- (f) Accessory Retail
- (g) Hotel
- (h) Entertainment and Theatre
- (i) Boat Moorage Facility
- (j) Park

(2) Density – Wastewater Treatment Plant

In this section:

"Immediate Community" means the upland area travelling from the subject property, west along the marine boundary to and including Macaulay Point Park, north along Clifton Terrace and Lampson Street to Esquimalt Road, then east along Esquimalt Road to the Township's municipal boundary, south along the municipal boundary then along the marine boundary back to the subject property;
and

"Nearby Community" means the upland areas within a 2.5 kilometre radius of the subject property, and including the Immediate Community.

In accordance with the provisions of Section 482 of the *Local Government Act*, density for the wastewater treatment plant ("WWTP") is established

by way of base density, for which no conditions apply, and bonus density on the provision or satisfaction of conditions identified below, including the provision of amenities in the Immediate and Nearby Community in recognition of the owner's desire for maximum development coverage on-site for the wastewater treatment plant, and the corresponding lost opportunity to provide amenities on-site. For greater certainty, the regulations of this section do not apply to other uses in this Zone.

(a) **Base Density:**

- (i) The Floor Area Ratio shall not exceed 0.05;
- (ii) The Floor Area shall not exceed 675 square metres, excluding processing tanks and generators completely enclosed within a Building;
- (iii) Lot Coverage shall not exceed 15%;
- (iv) Plant capacity not to exceed 15 million litres per day, Average Dry Weather Flow (ADWF);

(b) **Bonus Density:**

- (i) The Floor Area Ratio shall not exceed 0.35;
- (ii) The Floor Area shall not exceed 4,500, square metres, excluding processing tanks and generators completely enclosed within a Building;
- (iii) Lot Coverage shall not exceed 65%;
- (iv) Plant capacity not to exceed 108 million litres per day, Average Dry Weather Flow (ADWF);

all on the provision or satisfaction of all of the following conditions:

- (1) Traffic integration amenities, in the form of traffic calming, speed bumps, speed cushions, speed readers with signage, enhanced boulevard curbing and landscaping and bike lanes on streets in the Immediate Community, as follows:
 - a. Township's streets adjacent to and within one block radius of all elementary schools, and
 - b. Township's Lyall Street from Lampson Street to Head Street and Head Street from Lampson Street to Dunsmuir Street,
 - c. on all remaining Township streets between Lampson Street and Esquimalt Road and the subject property that are materially affected by construction traffic, items (1)(a) and (1)(b) collectively of a value no less than \$950,000.
- (2) Education and Interpretive Centre: space that can be used for a conference room on-site for students and the public to learn about wastewater treatment and management, made available at no charge for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation: Minimum 75 square metres of floor area, either in main lobby or a separate room.
- (3) High efficiency air filter systems to mitigate any negative effects caused by the construction and related traffic of the

WWTP project on air quality and odour reduction for the following schools:

- a. Esquimalt High School
 - b. Highrock Middle School
 - c. École Macaulay Elementary School
 - d. École Victor Brodeur
- (4) Operations and Maintenance Building portion of the wastewater treatment plant designed and built to LEED® Gold standard, certified within one year of construction completion, or such longer period as required to address deficiencies provided the initial review and report is completed within the first year.
 - (5) Macaulay Point Pump station, upgraded to standards of design, materials and quality of construction consistent with recent Craigflower Pump Station project, with odour mitigation measures to be installed in Macaulay Pump station, and Lang Cove Pump station, providing for an odour detection level no greater than five (5) odour units measured at the property lines (or fence lines where applicable).
 - (6) Public open space (no less than 140 square metres).
 - (7) Public Art on public open space of a value no less than \$100,000, if on-site then visible and oriented both to passing boats and floatplanes, respecting and exploiting the subject property's prominent position as entrance to the Victoria Harbour; or off-site, both options in accordance with the Township's public art policy.
 - (8) The provision of public open space improvements of a value no less than \$75,000.
 - (9) Public Walkway: Design of building and site to either incorporate public accessible trail along waterfront, or to provide for Statutory Right of Way for future trail corridor and development.
 - (10) Operations & Maintenance Building portion of wastewater treatment plant use to incorporate a green roof, with a minimum area(s) of 1600 square metres and for a minimum of 80% of the roof, including for the purposes of providing screening and bird habitat.
 - (11) Heritage Interpretative Signage, recognizing the historic uses on the subject property and process to transition to current uses (Minimum 5 signs for stations in public open space area).
 - (12) Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of wastewater treatment plant, to a condition equal to or better than existed before construction.
 - (13) Odour-reducing measures providing for an odour detection level no greater than five (5) odour units measured at the property lines, and noise mitigation measures including a high degree of noise attenuation with all louvres, doors, and noisy equipment such as blowers requiring noise attenuation, such that noise does not exceed 60 dBA outside of the property lines.

- (14) Facility design to ensure that any products, byproducts, biosolids or other goods and commodities be transported off-site only by means of piping or marine access, thereby reducing negative transportation impacts on the Immediate Community.
- (15) That no odour-causing and/or methane-producing (of any level) facilities related to the use of the subject property be located off-site within the Nearby Community, except for pipes, outfalls, pumping stations and accessory appurtenances.
- (16) One-time contribution of \$17,000,000 [Seventeen Million Dollars] to the McLoughlin Point Amenity Reserve Fund(s), to be used or committed for use for capital projects in relation to municipal waterfront parks, municipal community recreational buildings and spaces and the Township's emergency services and public safety facilities within a period of 5 years from the receipt of funds by the Township.
- (17) Annual contribution of \$55,000 adjusted annually for any increase in CPI for Victoria, British Columbia, to McLoughlin Point Operating Reserve Fund.
- (18) Ongoing liaison committee formed with representatives from Township, local schools, health authority, DND officials community groups and other interested parties (all as available and as interested), along with operators on subject property, with meeting space provided on subject property at no cost at least once/monthly, including to review satisfaction of above conditions and ongoing operations.

(3) **Building and Structure Height**

- (a) No Building or Structure shall exceed a Height of 15 metres.
- (b) Notwithstanding anything to the contrary in this section, the maximum height of a building or structure located within 20 metres of the High Water Mark is 5.0 metres.
- (c) In this Zone, given the disturbed nature of the brownfield site, Grade is deemed to be calculated based on the average of the sum of the existing elevations measured at each vertex of a hypothetical polygon formed by sides connecting the outermost limits of the proposed building such that no interior angle exceeds 180 degrees and the sum of all interior an interior angles of the polygon is equal to: $(\text{the number of sides of the polygon} - 2) \times 180$. Existing grades were established by survey on January 27, 2017.
- (d) For greater certainty with respect to the height exemptions of Section 15(4), chimneys may project more than 1.5m from the highest point of the roof provided that they do not exceed a maximum height of 16.5 metres as measured from Grade, and provided the purposes of the chimney height includes reduction of odour and noise in the Immediate Community.

(4) **Siting Requirements**

- (a) No Building shall be located within 7.5 metres of a Lot Line that is shared with a Parcel zoned for residential Use.
- (b) Front Setback: No Building shall be located within 5.75 metres of the Front Lot Line, and the main building for the site shall not be set back more than 6.25 metres from the Front Lot Line.
 - (i) For the purposes of this Zone, where there is no abutting highway, the private road from which the property gains access shall be considered the Front Lot Line;
 - (ii) The Front Setback for Buildings does not apply to electrical generators, transformers and other similar structural appurtenances.
- (c) Exterior Side Setback: No Building shall be located within 4.5 metres of an Exterior Side Lot Line.
- (d) No Building shall be located within:
 - (i) 10 metres of the High Water Mark at the eastern portion of the site as measured from a line parallel to the north property line at a (straight-line) distance of 144 metres from the north property line, as shown on Plan EPP36468;
 - (ii) 7.5 metres of the High Water Mark for all remaining portions of the site.

(5) **Screening and Landscaping**

- (a) Screening and Landscaping shall be provided in accordance with Section 23.
- (b) Subject to subsection (c), landscaping shall be provided along the entire Front Lot Line for a minimum width of 7.5 metres except for points of ingress and egress. In the case of a Corner Lot, the exterior Side Yard Setback of 4.5 metres shall be landscaped except for points of ingress and egress.
- (c) For the wastewater treatment plant use:
 - (i) A landscaped buffer shall be located between the building and the High Water Mark which:
 - (A) shall be a minimum 4.5 metres in width for at least 85% of the exterior perimeter retaining wall facing the marine boundary;
 - (B) shall average an overall minimum 5.0 metres in width;
 - (C) shall cover a minimum area of 1,250 square metres; and
 - (D) landscaping shall be of sufficient quality and quantity as to contribute to the screening of a wastewater treatment plant building and tanks from the marine environment.
 - (ii) A landscaped buffer shall be located in the Front Setback and shall be the entirety of the Front Yard, except for:
 - (A) places of entrance, egress and loading spaces, and
 - (B) the placement of generators, transformers and other similar structural appurtenances that are screened from the road and parking spaces.

- (iii) A landscaped buffer a minimum width of 5.0 metres shall be located at or adjacent to the north property line of the site, which buffer may be located on adjacent lands.
- (iv) Section 22(1) and (2) do not apply to the retaining walls associated with the sea wall, landscaped buffer or located within the setback from the HWM.

(6) **Off Street Parking**

- (a) Off street parking shall be provided in accordance with the requirements as specified in Parking Bylaw, 1992, No. 2011 (as amended) for all uses other than wastewater treatment plant use and its included uses under Section 55(1)(c).
- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street parking spaces for wastewater treatment plant use, and its included uses under Section 55(1)(c), shall be two (2) spaces, with maximum four (4) spaces, and may not be located within the setback areas from the HWM.
- (c) Notwithstanding Section 9(3), 14 and 15 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum number of required off street loading spaces for wastewater treatment plant use shall be two (2) spaces, and loading areas and loading spaces may be located within the area of landscaped buffer for the Front Setback only, and partially off-site.

(7) **Severability and Satisfaction**

- (a) In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by the decision of any Court of competent jurisdiction, that measure of density, condition or amenity may be severed without affecting the validity of the density-bonusing scheme and other measures of density, conditions or amenities.
- (b) Where a condition requires the approval or permission of an authority beyond the control of the property owner, then the condition shall be interpreted as requiring the property owner's all reasonable efforts to secure such approval or permission.
- (c) Where a condition is severed, or all reasonable efforts under this provision have not resulted in the necessary third-party approval, then the condition shall be deemed satisfied on the provision of:
 - (i) an independent appraisal estimating the cost of the provision of the amenity or satisfaction of the condition, if the condition had been satisfied; and
 - (ii) a cash contribution equivalent to the cost of the provision of the amenity or satisfaction of the condition, from the property

owner to the Township for the McLoughlin Point Amenity Reserve Fund, such monies to be used for replacement amenities or conditions that are consistent with governing authority, including amenities that reflect the intent of the amenity that could not be provided, or further enhancements or additions to remaining amenities or conditions.

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ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2888

SCHEDULE "B"

337 VICTORIA VIEW ROAD

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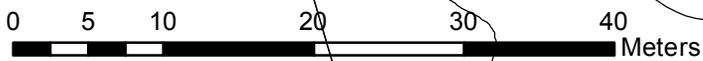
Schedule "B" to Bylaw No. 2888
Lands Rezoned from M-4 to I-3

Areas to be Rezoned

337 Victoria View Road
Lot 1
Plan EPP36468

VICTORIA VIEW RD

Victoria Harbour



Schedule 'B'
Bylaw 2888