



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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**Attachments:** 1. Appendix A - DP000113 - 1234 Esquimalt Road, 2. Appendix B - DVP00087- 1234 Esquimalt Road, 3. Appendix C - Air Photo and Mail Notice, 4. Appendix D - Letter, DPA 4 matrix, Drawings

Date	Ver.	Action By	Action	Result
4/15/2019	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** April 10, 2019

Report No. DEV-19-033

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

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

**SUBJECT:**

Development Permit and Development Variance Permit - 1234 Esquimalt Road [Action Motorcycles]

**RECOMMENDATION:**

1. That Council resolves that Development Permit No. DP000113 authorizing the alteration of the existing storefront, consistent with the architectural plans provided by Keay Architecture Ltd. stamped "Received February 14, 2019", be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 1234 Esquimalt Road [PID: 026-617-340; Lot 1 Suburban Lot 40 and 41 Esquimalt District Plan VIP80657]; and

2. That Council resolves that Development Variance Permit No. DVP00087 to legitimize the existing parking as illustrated in the Parking Plan provided by Keay Architecture Ltd. stamped "Received February 14, 2019", and including the following relaxation to Parking Bylaw, 1992, No. 2011, be approved, and staff be directed to issue the permit and register the notice on the title of the property located at 1234 Esquimalt Road [PID: 026-617-340; Lot 1 Suburban Lot 40 and 41 Esquimalt District Plan VIP80657]:

**Parking Bylaw, 1992, No. 2011, Part 5 - Parking Requirements, Section 13 - Number of Off-Street Parking Spaces (b) Commercial (uses Retail, Restaurant, Other - repair shop) - Allow a**

reduction in the number of spaces, from 56 parking spaces required, to 18 motor vehicle spaces and 40 motorcycle parking spaces.

**RELEVANT POLICY:**

- 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 does not directly relate to a specific strategic objective.

**BACKGROUND:**

- Appendix A: DP000113 - 1234 Esquimalt Road
- Appendix B: DVP00087- 1234 Esquimalt Road
- Appendix C: Air Photo and Mail Notice
- Appendix D: Letter, DPA No. 4 matrix, Architectural Drawings

**Purpose of the Application**

The owner is proposing a small addition to the front of the building to facilitate improved access to the existing stairwell, allowing customers of the retail store [Action Motorcycles] to access the upper floor from within the store. The proposal for the additional floor space has required a recalculation of the parking requirements for the property.

The property is within the following four Development Permit Areas [DPA]: No.1 - Natural Environment [DPA 1], No. 4 - Commercial [DPA 4], No. 7 - Energy Conservation and Greenhouse Gas Reduction [DPA 7] and No. 8 - Water Conservation [DPA 8] of the Official Community Plan Bylaw. The project proposed was found to be exempt from the requirements of DPA's 1, 7 and 8, but the proposed addition is large enough in floor area to require a Development Permit for DPA No. 4 - Commercial.

Therefore, a Development Permit and a Development Variance Permit are required before a building permit could be issued.

**Context**

- Applicant/ Owner: Kerry Wilk
- Architect: John Keay
- Property Size: Metric: 1729 m2
- Existing Land Use: Commercial
- Surrounding Land Uses:
  - North: Single Family Residential
  - South: Municipal Hall and Town Centre
  - West: Commercial
  - East: Commercial
- Present OCP Designation: Commercial/ Commercial Mixed Use
- Proposed OCP Designation: Commercial/ Commercial Mixed Use
- Zoning: Core Commercial [C-3]

## Official Community Plan

As Council is required to consider all of the Official Community Plan guidelines for the Development Permit Area in evaluating a DP application, the applicant has submitted a document addressing the guidelines of DPA No. 4 [Appendix D].

### OCP Section 21 - Development Permit Area No. 4 - Commercial

The majority of the guidelines are directed towards new construction. The proposed addition does not appear to diminish the intent of any of the guidelines.

## Zoning

The subject property is zoned Core Commercial [C-3] within Zoning Bylaw 1992, No. 2050. The proposal complies with the zone regulations.

## Parking

The retail store [Action Motorcycles] has existed in this location for many years. The owner of Action Motorcycles would like to increase the retail space of the store by expanding onto the third floor. The dance studio that formerly leased the third floor had the same parking requirements as the retail store, which had a parking variance in the past.

Parking Bylaw, 1992, No. 2011 does not provide any requirements for motorcycle parking, and does not provide a size requirement for a motorcycle parking space. As a large percentage of customers utilize a motorcycle to patronize this type of business, the architectural technologist has provided for spaces using the size requirements used by the City of Vancouver [see letter in Appendix D].

The owner has agreed to replace and maintain the bicycle rack that was located in front of the property in the past just east of the Sunnyside Café, which should allow for the parking of up to four bicycles.

## Comment from Other Departments

Engineering Services: The proposed variance does not have an impact on the Engineering aspects of this property. Engineering has no requirements for this development variance permit application.

Building Inspection: No Concerns

Fire Services: No Concerns

Park Services: No Concerns

## Design Review Committee [DRC]

The DRC reviewed the Development Permit Application for the form and character of the proposed addition on March 6, 2019 and made the following recommendation to Council.

That the Esquimalt Design Review Committee [DRC] recommends to Council that the application for a Development Permit authorizing the alteration of the existing storefront, consistent with the architectural plans provided by Keay Architecture Ltd. stamped "Received February 14, 2019", located at 1234 Esquimalt Road [PID: 026-617-340; Lot 1 Suburban Lot 40 and 41 Esquimalt District Plan VIP80657] be forwarded to Council with a recommendation for approval as it matches with the existing architecture.

## **Advisory Planning Commission [APC]**

The APC reviewed the Development Variance Permit Application for parking on March 19, 2019 and made the following recommendation to Council.

That the Development Variance Permit to legitimize the existing parking as illustrated in the Parking Plan provided by Keay Architecture Ltd. stamped "Received February 14, 2019", by authorizing the following variance to the Parking Bylaw, 1992, No. 2011, for the property located at 1234 Esquimalt Road [PID: 026-617-340; Lot 1 Suburban Lot 40 and 41 Esquimalt District Plan VIP80657] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as it is a relatively minor change:

Parking Bylaw, 1992, No. 2011, Part 5 - Parking Requirements, Section 13 - Number of Off-Street Parking Spaces (b) Commercial (uses Retail, Restaurant, Other - repair shop) - Allow a reduction in the number of spaces, from 56 vehicle spaces required, to 18 vehicle spaces and 40 motorcycle parking spaces.

## **ISSUES:**

### 1. Rationale for Selected Option

The Advisory Planning Commission and Design Review Committee have recommended approval of the applications. The addition represents a business improvement along Esquimalt Road and does not substantially change the way the building will be used. The owner has agreed to replace a bicycle rack at the front of the property to support customers using alternative transportation, thereby reducing vehicle parking demand in the area.

### 2. Organizational Implications

This Request for Decision has no significant organizational implications.

### 3. Financial Implications

This Request for Decision has no significant financial implications.

### 4. Sustainability & Environmental Implications

This Request for Decision has no significant sustainability or environmental implications.

### 5. Communication & Engagement

As this proposal includes a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on April 1, 2019 [Appendix B] indicating that Council would be considering the requested Development Variance Permit application on April 15, 2019. To date, the Development Services Department has received no comments as a result of the notification.

## **ALTERNATIVES:**

1. That Council resolves that Development Variance Permit No. DVP00087 [Appendix A] and Development Permit No. DVP000113 [Appendix B] be approved, and staff be directed to issue the permits and register the notice on the title.

2. That Council deny Development Variance Permit No. DVP00087 [Appendix A] and Development Permit No. DVP000113 [Appendix B].