



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Legislation Details (With Text)

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On agenda: 10/1/2018 **Final action:** 10/1/2018
Title: Rezoning Application - 460 Head Street, Staff Report DEV-18-059

Sponsors:

Indexes:

Code sections:

Attachments: 1. Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896

Date	Ver.	Action By	Action	Result
10/1/2018	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: September 26, 2018 Report No. DEV-18-059
TO: Laurie Hurst, Chief Administrative Officer
FROM: Janany Nagulan, Planner and Bill Brown, Director of Development Services

SUBJECT:
Rezoning Application, 'West Bay Quay', 460 Head Street and 464 Head Street

RECOMMENDATION:
That Council, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896 (as amended), attached to Staff Report DEV-18-059 as Appendix "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 460 Head Street [PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292] , shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2896, from West Bay Commercial [C-7] Zone to Comprehensive Development District No. 103 [CD No. 103] and by changing the zoning designation of 464 Head Street [PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292], shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2896, from Single Family Residential [RS-1] Zone, to Comprehensive Development District No. 103 [CD No. 103], be considered for **adoption**.

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
Green Building Checklist

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix

“A” Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896 ;

Purpose of the Application

The applicant is requesting a change in zoning from the current mix of West Bay Commercial [C-7] and Single Family Residential [RS-1] zoning to Comprehensive Development District No. 103 [CD-103] which would facilitate the development of a new five storey, commercial/residential mixed use building containing ground floor commercial spaces oriented toward Head Street and 12 residential units.

The Owners of the development have voluntarily signed and registered a Section 219 Covenant on the property for the development of a mixed use, commercial and residential building and acknowledged that the amenities and restrictions are in the public interest.

Under the former Official Community Plan, the site was located within Development Permit Area No.2 - Commercial and was also subject to policies and guidelines contained in the West Bay Neighbourhoods Design Guidelines.

Under the current Official Community Plan, the site is now subject to guidelines within the following Development Permit areas:

- Development Permit Area No.1 - Natural Environment
- Development Permit Area No.4 - Commercial
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction
- Development Permit Area No. 8 - Water Conservation
- Development Permit Area No. 11- West Bay

Should the rezoning application be approved, the applicant would need to obtain a Development Permit respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of the proposed 5-storey, 16 unit, mixed use, commercial and residential building.

Context

Applicant/Owner: Tenfold Projects Inc., Inc. No. BC1040336,

Architect: N/A

Property Size: Metric: 1208 m² Imperial: 13,003 ft²

Existing Land Use: Vacant Single Family Residential land and vacant Commercial land [parking lot].

Surrounding Land Uses:

North: Commercial Use buildings

South: DND Federal Land [Work Point]

West: Proposed Commercial/ Residential Mixed Use buildings

East: Marine Commercial

Existing Zoning: RS-1 [Single Family Residential]
C-7 [West Bay Commercial]

Proposed Zoning: CD-103 [Comprehensive Development District No. 103]

Existing OCP Designation: Neighbourhood Commercial Mixed-Use [Present and Proposed - No change required]

Timeline

- January 18, 2017 - Rezoning Application received
- February 9, 2017 - Rezoning Application went before the Design Review Committee
- February 21, 2017 - Rezoning Application went before the Advisory Planning Commission
- March 8, 2017 - Public Consultation
- May 23, 2017 - First and Second Reading
- June 19, 2017 - Public Hearing and Third Reading
- September 10, 2018 - Covenant registered on Title

ISSUES:

1. Rationale for Selected Option

This application is consistent with the Neighbourhood Commercial Land Use Designation and the policy direction contained within the Official Community Plan for a Neighborhood Commercial Mixed-Use development. Both the APC and the DRC have recommended approval of this application, complementing the applicant on the creative approach to redevelopment of these lands. The development will create a modern residential building with commercial space for an up and coming area in Esquimalt.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no significant financial implications.

4. Sustainability & Environmental Implications

The applicant has completed a Green Building Checklist.

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 two subject properties on June 5, 2017 advising them that Council would be consider the requested rezoning on Monday, June 19, 2017. Notices of the Public Hearing were printed in the June 9th and June 14th editions of the Victoria News and four signs indicated that the nine subject properties were under consideration for a change in zoning, installed along the Head Street and Lyall Street frontages, were updated to show the date, time and location of the June 19, 2017 Public Hearing.

The Public Hearing occurred on June 19, 2017 as scheduled. 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 public hearing.

ALTERNATIVES:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896 attached as Appendix A be adopted.
2. That Council rescinds third reading and directs staff to amend Zoning Bylaw, No. 2050, Amendment Bylaw No. 2896 attached as Appendix A, and return to Council for further consideration, following a new Public Hearing.