



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
7/17/2017	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** July 17, 2017

Report No. ADM-17-017

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

**FROM:** Anja Nurvo, Director of Corporate Services

**SUBJECT:**

Westbay Quay Development (the "Triangle Lands") - Temporary Use Permit

### RECOMMENDATION:

That Council authorize staff not to enforce the Township of Esquimalt Zoning Bylaw, 1992, No. 2050, as amended, for the property located at 453 Head Street until Council has had the opportunity to consider an application for a Temporary Use Permit at its August 21<sup>st</sup>, 2017 Council meeting.

### RELEVANT POLICY:

Local Government Act  
Zoning Bylaw, 1992, No. 2050 as amended  
Council Policy No. ADMIN-68 Bylaw Enforcement

### STRATEGIC RELEVANCE:

This Request for Decision does not relate to any specific Council strategic objective.

### BACKGROUND:

Staff has received an inquiry from the developer for the Westbay Quay Project (the "Triangle Lands") about the process to obtain a Temporary Use Permit (TUP) to use the previous restaurant/coffee

shop located at 453 Head Street as a Sales/Presentation center with a display model suite for approximately 6 to 9 months.

Staff has advised the developer that due to summer recess, Council will not be able to consider the application for TUP until its August 21<sup>st</sup>, 2017 meeting.

## **ISSUES:**

### **1. Rationale for Selected Option**

In accordance with the *Local Government Act* (LGA), notice must be published once in the local newspaper and properties within 100 m of the subject property must receive notice prior to Council considering an application for a TUP. The first opportunity to consider the application for this property is at the August 21<sup>st</sup> meeting.

The developer has advised that they wish to proceed with renovations in advance of the August 21<sup>st</sup> meeting to convert the property into a Sales/Presentation/Display center.

Accordingly, staff recommends that Council authorize staff not to enforce the Zoning Bylaw in relation to this property until such time as the TUP is considered by Council at its August 21<sup>st</sup> meeting.

The developer must still apply for a building permit and comply with all other requirements determined by the Senior Building Official during the approval process prior to commencement of renovations.

### **2. Organizational Implications**

There are no organizational implications.

### **3. Financial Implications**

There are no financial implications to the Township. All risks associated with commencing renovations prior to Council considering the application for a TUP are borne by the developer.

### **4. Sustainability & Environmental Implications**

There are no sustainability or environmental implications.

### **5. Communication & Engagement**

Once the application for a TUP is received, staff will arrange for publication in the newspaper and delivery of a notice to the properties within 100 m of the subject property, in accordance with the requirements of the LGA, advising that Council will consider the application for a TUP at its August 21<sup>st</sup>, 2017 meeting.

## **ALTERNATIVES:**

1. That Council authorize staff not to enforce the Township of Esquimalt Zoning Bylaw, 1992, No. 2050, as amended, for the property located at 453 Head Street until Council has had the opportunity to consider an application for a Temporary Use Permit at its August 21<sup>st</sup>, 2017 Council meeting.
2. That Council not pass a motion to authorize staff not to enforce the Township's Zoning Bylaw in relation to 453 Head Street.