



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 17-108, Version: 1

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### REQUEST FOR DECISION

**DATE:** March 2, 2017

Report No. DEV-17-017

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

**FROM:** Trevor Parkes, Senior Planner

**SUBJECT:**

Rezoning Application, 'West Bay Triangle'

**RECOMMENDATION:**

1. That Council, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2873, attached to Staff Report DEV-17-017 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of each of the following parcels:
  - a. PID 001-843-991 Lot 8, Block H, Section 11, Esquimalt District, Plan 292 [468 Head Street],
  - b. PID 006-720-439, Lot 5, Block H, Section 11, Esquimalt District, Plan 292 [470 Head Street],
  - c. PID 000-036-722, Lot 4, Block H, Section 11, Esquimalt District, Plan 292 [472 Head Street],
  - d. PID 009-175-024, Lot 1, Block H, Section 11, Esquimalt District, Plan 292 [515 Gore Street],
  - e. PID 009-175-016, Lot 2, Block H, Section 11, Esquimalt District, Plan 292 [509 Gore Street],
  - f. PID 000-704-580, Strata Lot 1, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [922 Lyall Street],
  - g. PID 000-704-598, Strata Lot 2, Section 11, Esquimalt District, Strata Plan 509, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1 [920 Lyall Street],
  - h. PID 009-175-008, Lot 6, Block H, Section 11, Esquimalt District, Plan 292 [918 Lyall Street], and
  - i. PID 009-174-885, Lot 7, Block H, Section 11, Esquimalt District, Plan 292 [912 Lyall Street] (collectively, the "Nine Subject Properties")all of which are shown cross hatched on Schedule "A" of Amendment Bylaw No. 2873, from their current zoning designation, detailed on Schedule "B" of Amendment Bylaw No. 2873, to CD No. 98 [Comprehensive Development District No. 98] be considered for **adoption**.

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2006, No. 2646

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:**

### **Purpose of the Application**

The applicant is requesting a change in zoning from the current mix of RS-1 [Single Family Residential], RD-2 [Two Family Small Lot Residential], and C-7 [West Bay Commercial] zoning which currently regulates the nine subject properties to Comprehensive Development District No. 98 [CD-98] to facilitate the consolidation of the subject properties and authorize a new 6-storey, commercial mixed use building containing ground floor commercial space oriented toward Head Street and 73 residential units.

Bylaw No. 2873 was read a third time on October 3, 2016. Council withheld adoption of the bylaw until the applicant registered a Section 219 covenant on title that addressed the following issues:

- that public access will be assured over the northern and western corners of the collective Nine Subject Properties (the “Site”)
- that public access will be provided at the discretion of the property owner along the majority of the southeastern property line of the Site (adjacent to 464 Head Street),
- that commercial and residential visitor parking spaces will be provided and remain on the Site as required by Parking Bylaw No. 2011,
- that tree protection will be provided for the two plum trees located at the western corner of the Site,
- that the proposed development on the Site would incorporate both on-site and off-site amenities consistent with those identified in Schedule B of Staff Report DEV-17-017, or similar amenities of comparable monetary value (as may be amended by staff upon receipt of further engineering, landscaping and other details to be provided by the applicant), and
- that the buildable area of 464 Head Street be restricted to ensure:
  - an appropriate setback is provided between buildings on Lyall Street, and
  - that public access will be assured over the sidewalk proposed to be located on 464 Head Street.

Staff have worked with the applicant to develop the voluntarily offered covenant which addresses all the identified issues and secures a commitment from the applicant to undertake registration of statutory rights-of-way on the Site prior to the issuance of any Building Permit for construction on the

Site (Schedule C). In addition, a covenant on the adjacent property to the southeast restricting development immediately adjacent on the Site on the Lyall Street frontage to ensure appropriate building separation has been secured (Schedule D).

### **Timeline**

May 16, 2016	Bylaw No. 2873 receives first and second reading.
June 20, 2016	Public hearing and third reading.
September 12, 2016	Third reading rescinded and the bylaw was amended and read for a second time as amended.
October 3, 2016	A new public hearing was held and the amended bylaw received third reading.
March 6, 2017	Staff recommend adoption of Bylaw No. 2873.

### **Context**

**Applicant/Owner:** Triangle Estates Ltd. [Mark Lindholm]

**Architect:** Hillel Architecture Inc. [Peter Hardcastle]

**Property Size:** Metric: 4080 m<sup>2</sup> Imperial: 43,917 ft<sup>2</sup>

**Existing Land Use:** Single Family and Two Family residences and vacant Commercial land

#### **Surrounding Land Uses:**

North:	Neighbourhood Commercial/ West Bay Commercial
South:	DND Federal Land [Work Point]
West:	Single Family and Two Family Residential
East:	Marine Commercial

**Existing Zoning:** RS-1 [Single Family Residential] - 5 Lots  
RD-2 [Two Family Small Lot Residential] - 1 Lot  
C-7 [West Bay Commercial] - 2 Lots

**Proposed Zoning:** CD-98 [Comprehensive Development District No. 98]

**Existing OCP Designation:** Commercial Mixed-Use [No change required]

#### **Schedules:**

"A"	Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2873.
"B"	Architectural Drawings including Shadow Analysis and BC Land Survey.
"C"	Registered Section 219 Covenant addressing on-site and off-site issues.
"D"	Registered Section 219 Covenant to restrict building location on adjacent land.

### **ISSUES:**

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

This application is consistent with the Land Use Designation assigned to the subject property and the policy direction contained within the OCP for Commercial Mixed-Use development. The

proposal is generally consistent with the West Bay Neighbourhood Design Guidelines approved by Council to steer development within the West Bay area. Both the APC and the DRC have recommended support of this application, complimenting the applicant on the creative approach to redevelopment of these lands. The applicant has provided evidence of engagement with Esquimalt residents and this information has been reviewed by staff and is notably positive.

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

The applicant has completed an Esquimalt Green Building Checklist. Notably, the applicant is proposing to provide a substantial amount of storage/ parking for multiple modes of transportation in excess of the minimum parking requirements including motorcycles and scooters, electric scooters and electric bicycles. This development proposal also includes 110 bicycle lockups, consistent with OCP policy, and dedicated electric car charging spaces within the parking garage.

5. Communication & Engagement

A public hearing was held on October 3, 2016.

## ALTERNATIVES:

1. That Council, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2873, attached to Staff Report DEV-17-017 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of each of the following parcels:

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- i. PID 009-174-885, Lot 7, Block H, Section 11, Esquimalt District, Plan 292 [912 Lyall Street] (collectively, the "Nine Subject Properties")

all of which are shown cross hatched on Schedule "A" of Amendment Bylaw No. 2873, from their current zoning designation, detailed on Schedule "B" of Amendment Bylaw No. 2873, to CD No. 98 [Comprehensive Development District No. 98] be considered for **adoption**.

2. Council postpone consideration of the adoption of Bylaw No. 2873 pending receipt of additional information.