



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 17-251, Version: 1

REQUEST FOR DECISION

DATE: June 14, 2017

Report No. DEV-17-037

TO: Laurie Hurst, Chief Administrative Officer

FROM: Trevor Parkes, Senior Planner

SUBJECT:

Rezoning Application, 'Marina View', PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street]; and PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street].

RECOMMENDATION:

1. That Council, upon considering the comments made at the Public Hearing, resolves that Amendment Bylaw No. 2896, **be amended** as attached as Schedule 'A' to Staff Report DEV-17-037; and
2. That Council, upon considering the comments made at the Public Hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896 (as amended),, attached to Staff Report DEV-17-037 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street], 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 PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street], 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 **third reading**; and
3. That, as the applicant wishes to assure Council that uses and development will be restricted as identified in Staff Report DEV-17-037 in the absence of the consolidation of the 460 Head Street and 464 Head Street, the applicant has voluntarily agreed to register a Section 219 covenant against the titles of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street] and PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street] in favour of the Township of Esquimalt providing for all of the following:
 - that commercial and residential visitor parking spaces will be provided and remain on the site as required by Amendment Bylaw No. 2896;

- that the proposed development would incorporate both on-site and off-site amenities consistent with those identified in Staff Report DEV-17-037, 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 applicant will provide on the site, an electric vehicle charging station abutting a surface parking space;

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure that a Section 219 covenant addressing the aforementioned issues is registered against the titles of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street] and PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street], prior to returning Amendment Bylaw No. 2896 to Council for consideration of 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 West Bay Commercial [C-7] and Single Family Residential [RS-1] zoning which currently regulates the two subject properties to Comprehensive Development District No. 103 [CD-103] which would permit the development of a new five storey, commercial/residential mixed use building containing ground floor commercial space oriented toward Head Street and 12 residential units.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed height, density and massing, proposed unit sizes, siting, setbacks, lot coverage, how the building relates to adjacent and surrounding sites and whether the proposed uses are appropriate and consistent with the overall direction contained within the Official Community Plan and the West Bay Neighbourhood Design Guidelines, endorsed by Esquimalt Council on November 16, 2015 [Schedule B].

This site is located within Development Permit Area No. 2 - Commercial and is also subject to the policies and guidelines contained in the West Bay Neighbourhood Design Guidelines. 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. The Development Permit would be considered by both the Design Review Committee and Council.

Context

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

Architect: Hillel Architecture Inc. [Peter Hardcastle]

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: Two/ Six Storey Commercial/ Residential Mixed Use building
South: DND Federal Land [Work Point]
West: Two/ Six Storey Commercial/ Residential Mixed Use building
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: Commercial Mixed-Use [No change required]

Schedules:

“A” Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896 (as amended);
“B” OCP Policies, Site Context Map and West Bay Neighbourhood Design Guidelines [WBNDG];
“C” Green Building Checklist;
“D” Architect Narrative;
“E” West Bay Resident’s Association Comment;
“F” Public Hearing Mail Notice; and
“G” Architectural Drawings including Shadow Analysis and BC Land Survey.

Comments From Other Departments

The plans for this proposal were circulated to other departments and the following comments were received by the submission deadline:

Community Safety Services: Staff have completed a preliminary evaluation of the proposed new building and have no concerns at this time. Construction must satisfy BC Building Code and Esquimalt’s Building Code Bylaw, 2002, No. 2538 requirements. Detailed review of plans will occur at time of Building Permit application.

Engineering Services: Engineering staff have completed a preliminary evaluation of Works and

Services that would be required for the proposed development. The applicant is responsible for retaining the services of a qualified professional for the design, construction and supervision of all Works and Services required to service the proposed development as indicated in Esquimalt's Subdivision and Development Control Bylaw No. 2175. A capacity study should verify all main sizes, material, etc., and to determine if the Sewer and Drain mains are of adequate size and condition to handle the increased flows introduced as a result of the development. Existing municipal infrastructure may need to be relocated or SRWs may need to be secured. Adjacent properties across Head Street are to remain fully serviced during construction.

The Director of Engineering and Public Works notes that clarity regarding the responsibility for maintenance and liability relating to the proposed plaza located in the public realm at the Lyall Street and Head Street intersection should be provided by the applicant for review by staff. Staff also request additional clarity regarding the applicant's proposed servicing plan, specifically as it relates to the retention or alteration of the existing overhead Hydro/ Telephone/ Cable lines located on the west side of Head Street. Additional review comments will be provided when detailed civil engineering drawings are submitted.

In response to these comments the applicant has verbally confirmed with staff that the plaza will be constructed by the developer and subsequently would become a Township asset. Furthermore, the applicant confirmed their intention that the overhead Hydro/Telephone/ Cable located adjacent to the subject properties on the Head Street frontage would be relocated underground as part of the overall redevelopment of the site.

Fire Services: Should the application be approved, a code analysis will be required to ensure appropriate fire suppression measures, water supply and fire alarms are in place, particularly in relation to the underground parkade.

Parks Services: A tree management plan detailing the existing tree inventory of public and private trees, showing which trees will be retained and identifying the number of replacement trees required based on size as per the Esquimalt Tree Protection Bylaw.

Comments from Design Review Committee:

The Esquimalt Design Review Committee considered this application for rezoning at the regular meeting held on February 9, 2017. Members commented that they supported the change of the Porte Cochere feature to additional commercial space and it was noted that this change would result in additional on-street parking spaces added on Head Street which would offset the unsupported increased parking demand off-street. A member also cautioned that the public plaza at the southeast corner should be designed to be inviting but not so comfortable as to encourage illicit behavior, particularly after the adjacent commercial operations close for the evening.

The DRC resolved that the application be forwarded to Council with a recommendation of approval with the condition the applicant revise the plans to incorporate additional commercial space in place of the Porte Cochere.

Comments from the Advisory Planning Commission [APC]

The Esquimalt Advisory Planning Commission considered this application for rezoning at the regular

meeting held on February 21, 2017. Members commented favourably regarding the overall design, stated that notwithstanding the WBNDG, surface parking was desirable and agreed that the Port Cochere should be enclosed to add commercial spaces along Head Street.

In response to the recommendations from both the DRC and the APC, the applicant provided a revised set of drawings, stamped "Received March 16, 2017" [Schedule G] which detailed the enclosure of the initially proposed Porte Cochere feature, creating an additional commercial unit in place of it. The enclosure of this space increased the off-street parking requirement to 37 spaces where the design provides for 34 spaces. Coincidentally, the change to the design resulted in an increase of three on-street parking spaces along Head Street, mitigating the impact of this desirable change in design and consistent with comments received from both the DRC and APC membership.

Zoning

Density, Lot Coverage, Height, Setbacks and Parking: The following chart details the zoning criteria applied to this proposal as Zoning Bylaw, 1992, No. 2050 does not contain a zone that could accommodate this commercial mixed-use proposal:

	Comprehensive Development District No. 103 [CD-103] (Mixed Commercial Residential Use)
Floor Area Ratio	1.32
Unit Size	60 square metres [minimum]
Commercial Floor Area	270 square metres [minimum]
Building Height	18.0 m
Lot Coverage	46% total/ 35% [on 4 th storey]/ 19% [on 5 th storey]
Setbacks:	
Northeast	2.4 m plus 1.5 m [Canopy]
Southeast	2.7 m plus 1.5 m [Canopy]
Southwest	2.6 m plus 1.1 m [Canopy]
Northwest	1.2 m plus 0.3 m [Canopy]
Usable Open Space	5% of parcel area
Off Street Parking	34 spaces [3 less than Parking Bylaw requirements]

Parking: The applicant proposes to provide modestly less parking than required by the Township Parking Bylaw for this project, below the minimum requirement by 3 spaces. Ten [10] spaces accessed off Lyall Street would serve as Visitor Parking for both the commercial and residential units. The remaining 24 parking spaces associated with this development are located underground and accessed via the parking entrance to the "West Bay Triangle" located on Gore Street. Sixteen of these spaces would be dedicated to residential use, thereby meeting Parking Bylaw requirements, while the remaining 8 would serve the commercial tenancies on the first storey. It is noteworthy that the change in design, adding one commercial space led to the inconsistency with bylaw requirements and this change to the building resulted in the addition of 3 on-street parking spaces that would offset the impact of the shortage on-site.

Height: The applicant proposes to construct a building five storeys in height with a total density [Floor Area Ratio] of 1.32. Approval of this rezoning application would make “Marina View” complimentary to the abutting “West Bay Triangle” development proposed to be six storeys in height. The proposed height is consistent with the recently adopted West Bay Neighbourhood Design Guidelines.

Setbacks: Commercial development best practices encourage placing commercial retail uses in proximity to the public realm. Accordingly, the proposed siting of the portions of the building containing retail/ office commercial space is appropriate as the large balconies proposed along Head Street and at the southeastern plaza will serve to create a covered transitional space between the indoor uses and the outdoor public realm.

Permitted Uses: The West Bay Area is identified as a Commercial Node in the Official Community Plan therefore it is appropriate to consider an application that proposes a mix of commercial retail, office, and boutique commercial spaces. Permitted Uses in the proposed Comprehensive Development District are as follows:

- a) Dwelling - Multiple Family
- b) Home Occupation
- c) Business and Professional Office
- d) Personal Service Establishment
- e) Retail Store
- f) Restaurant
- g) Liquor Store
- h) Convenience Store
- i) Group Children’s Daycare
- j) Boat Rental and Passenger Charter

Traffic Study: The applicant provided a detailed Traffic Impact Assessment for the original 97 unit mixed-use proposal originally envisioned for the West Bay Triangle dated February 20, 2012. Boulevard Transportation Group [BTG] determined at that time that the proposed project would have little local impact, adding an estimated 38 trips in the AM peak hour and 44 trips in the PM peak hour. BTG also determined that it was most likely that the existing traffic flow pattern, including DND traffic, would not change with the addition of this building, as additional delays would be very minor. BTG concluded that no improvements or changes would be required to the existing key intersections to accommodate the new traffic but recommended that sidewalks should be provided along the proposed development frontages of Head Street, Gore Street and Lyall Street.

Based on this assessment, staff are confident that the combination of the proposed 73 unit, commercial/residential mixed use “West Bay Triangle” development and the 16 unit, commercial/residential mixed use, “Marina View” development would not result in any material changes to these recommendations.

Fit with Neighbourhood: The subject properties are located within a predominantly low rise neighbourhood consisting of a mix of commercial properties, single and two family residential homes, a marine community, and military uses including training facilities and housing. The exceptions to the established one to three storey built environment are the DND “Accommodations” building located at Work Point to the south of the subject properties and the West Bay Triangle located abutting the

subject properties where construction is pending. The “Accommodations” building is approximately seven storeys [22 metres] in height and commands a substantial presence in the area due to the combination of height and massing of the building. The five storey “Marina View” development is proposed to be complimentary to the abutting six storey “West Bay Triangle” proposal. Construction of “Marina View” and “West Bay Triangle” would create a trio of taller buildings, complimentary in height and mass, creating a sense of balance in West Bay, particularly when viewed from the water.

The current Land Use Designation of properties adjacent to the “West Bay Triangle” and “Marina View” sites include Commercial Mixed-use for lands to the east, adjacent to the water, Park and Open Space for Captain Jacobson Park and Townhouse Residential for properties on the north side of Gore Street and the south side of Paradise Street. The West Bay Neighbourhood Design Guidelines further refine these land use designations by detailing a maximum of three storeys on lands to the east side of Head Street and the north side of Gore Street. It is staff’s opinion that it is not unreasonable to expect some of these lands adjacent to the subject properties to redevelop in the future thereby integrating the proposed five storey height into the urban fabric of West Bay.

Official Community Plan

The current Esquimalt Official Community Plan contains policies and statements relevant to the West Bay Triangle proposal under the following broad categories:

General Land Use and Development Objectives: The Township encourages a mix of land uses that facilitate multiple modes of transportation and reduce non-essential trips by private motor vehicles.

Commercial Mixed Land Use: The Township encourages mixed-use projects in areas designated Commercial Mixed-Use, generally up to 12 storeys in height with a Floor Area Ratio of 3.0. This policy has been refined by the West bay Neighbourhood Design Guidelines to limit height to 6 storeys in the West Bay Neighbourhood. The Township encourages the provision of local amenities including street furniture, artworks and decorative lighting in commercial areas as well as the provision of cycling amenities such as end of trip facilities for employees, lockers, and secure bicycle storage in addition to general bicycle parking integrated into the development.

Public Art: The Township encourages the private sector to include artworks in new and existing developments.

Design and Construction: The Township encourages the use of sustainable technology in the design of all new buildings, encourages design teams to achieve LEED or equivalent rating and encourages the incorporation of Crime Prevention through Environmental Design [CPTED] principles and measures in new projects.

Parking: The Township will explore further opportunities for on and off street public parking in the vicinity of West Bay waterfront so as to ensure that local residential streets are not overburdened by West Bay’s commercial uses

Utilities: The Township will require underground wiring for hydro, street-lighting, telecoms and cable for all new subdivisions and infill development in Esquimalt.

Stormwater, Sewer Systems and Source Pollution: The Township will require intervening /mitigating measures such as oil traps for development proposal adjacent to or near the water to preserve or rehabilitate shoreline habitat.

Economic Development: The Township supports expansion and commercial waterfront development around West Bay Harbour, provided it is planned to be compatible with adjacent residential areas.

Keep Urban Settlement Compact - Regional Growth Strategy [RGS]: The RGS encourages densification through a combination of infill and redevelopment to higher densities particularly for areas near transit corridors.

West Bay Neighbourhood Design Guidelines

As a direct result of the controversy surrounding previous development proposals in West Bay, Council directed staff to coordinate the creation of the West Bay Neighbourhood Design Guidelines. This document was to be created including input from local residents, business owners, staff, planners, developers and architects to create a vision for West Bay as well as guidelines for achieving this vision to ensure new development enhances West Bay's unique character. Staff engaged a consulting group and the guidelines were crafted via a collaborative and iterative process through the spring and summer of 2015. Council received and endorsed the West Bay Neighbourhood Design Guidelines on November 16, 2015.

The "Marina View" development proposal has been tailored to be consistent with the West Bay Neighbourhood Design Guidelines. The applicant has included in the drawing package a detailed shadow analysis that indicates the proposed design effectively mitigates shadowing impacts on adjacent sites which was identified as a major concern for local residents during the public consultation process of the West Bay Neighbourhood Design Guidelines.

Development Services staff completed a review of the proposed design and note the following apparent inconsistencies to the West Bay Neighbourhood Design Guidelines:

Page 10, Bullet 4 - "Avoid locating off-street surface parking adjacent to active public streets and open spaces..." The proposed design partially achieves this policy when considered from Head Street and the southern public plaza, however, surface parking is provided with screening adjacent to Lyall Street.

Page 17, Bullet 2 - "Locating off-street surface parking in front of buildings,... immediately adjacent to the public sidewalk or open spaces...is strongly discouraged and should be avoided." Once again, the proposed design partially achieves this policy when considered from Head Street and the southern public plaza, however, surface parking is provided with limited screening adjacent to Lyall Street.

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. With the

exception of the provision of surface parking, a desirable commercial amenity, this development proposal is 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, complementing the applicant on the creative approach to redevelopment of these lands. The applicant has provided evidence of engagement with Esquimalt residents and the feedback provided and received by staff has been 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 [Schedule C].

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 considering the requested rezoning on Monday, June 19, 2017 [Schedule F]. Notice of the Public Hearing was printed in the June 9th and June 14th editions of the Victoria News and four signs indicating that the nine subject properties are 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.

To date, staff have received no responses from the public as a result of these notices.

As required by the Township's Development Application Procedures and Fees Bylaw, 2012, No. 2791, the applicant delivered notices to properties and marina clients located within 100 m of the subject property soliciting comments and inviting residents to attend a Public Open House to hear about the proposal, review the drawings, and provide comments. This meeting was held on Wednesday, March 8, 2017 at St. Peter and St. Paul Parish Hall located at 1379 Esquimalt Road. The applicant's architect provided a letter summarizing the attendance and feedback received at this meeting which has been reviewed by staff and all feedback generated was positive in nature.

ALTERNATIVES:

1(a). That Council, upon considering the comments made at the Public Hearing, resolves that Amendment Bylaw No. 2864, **be amended** as attached as Schedule 'A' to Staff Report DEV-17-037; and

(b) That Council, upon considering the comments made at the Public Hearing, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2896 (as amended),, attached to Staff Report DEV-17-037 as Schedule "A", which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street], 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 PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street], 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 **third reading**; and

(c) That, as the applicant wishes to assure Council that uses and development will be restricted as identified in Staff Report DEV-17-037 in the absence of the consolidation of the 460 Head Street and 464 Head Street, the applicant has voluntarily agreed to register a Section 219 covenant against the titles of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street] and PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street] in favour of the Township of Esquimalt providing for all of the following:

- that commercial and residential visitor parking spaces will be provided and remain on the site as required by Amendment Bylaw No. 2896;
- that the proposed development would incorporate both on-site and off-site amenities consistent with those identified in Staff Report DEV-17-037, 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 applicant will provide on the site, an electric vehicle charging station abutting a surface parking space;

Council direct staff and legal counsel to the Township to coordinate with the property owner to ensure that a Section 219 covenant addressing the aforementioned issues is registered against the titles of PID 009-174-851, Lot 10, Block H, Section 11, Esquimalt District, Plan 292 [460 Head Street] and PID 009-174-869, Lot 9, Block H, Section 11, Esquimalt District, Plan 292 [464 Head Street], prior to returning Amendment Bylaw No. 2896 to Council for consideration of adoption.

2. Council postpone consideration of Bylaw No. 2896 pending receipt of additional information.
3. Council **defeats** Bylaw No. 2896.