



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 17-315, **Version:** 1

REQUEST FOR DECISION

DATE: August 15, 2017

Report No. DEV-17-047

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Proposed Redevelopment of Hither Green Park (Schedule "A")

RECOMMENDATION:

That Council approve the redevelopment of Hither Green Park subject to the following conditions:

- 1) The development generally conform to the Landscape Plan prepared by Small & Rossell Landscape Architects Inc. dated July 21, 2017 and attached as Schedule "B".
- 2) The costs of redevelopment are borne by the owner of the English Inn property (Lot B, Section 11, Esquimalt Plan VIP60066), as proposed by them, and the Township is in receipt of security in the amount of \$230,482.00 being 120 percent of the estimated landscaping costs provided by Small and Rossell, Landscape Architects (Schedule "C") for the redevelopment of Hither Green Park.
- 3) A public "tot lot", no less than 155 m² in land area, is developed on the English Inn property (Lot B, Section 11, Esquimalt Plan VIP60066), and the costs of development and ongoing maintenance of a "tot lot" are borne by them, as proposed by them.
- 4) Registration of a voluntary Section 219 Covenant and Statutory Right of Way to restrict the use of the proposed "tot lot" area on the English Inn property (Lot B, Section 11, Esquimalt Plan VIP60066) to "park" with development restricted to "playground equipment", and to allow unrestricted public access to the "tot lot" during daylight hours in perpetuity. In addition, the agreement is to indemnify the Corporation of the Township of Esquimalt from all damages and liability associated with the use and maintenance of the "tot lot", be registered in priority to all encumbrances of a financial nature and otherwise be in a form acceptable to the Township, consistent with other development-related Covenants/SRWs. The English Inn property owner is to be responsible for registration costs and the Township's legal fees.
- 5) That staff be authorized to register a right of way on Hither Green Park, legally described as "That Part of Section 11, Esquimalt District Within Plan 37956", to facilitate right of way access for emergency vehicles from Bewdley Avenue to the English Inn Property legally described as, "Lot

B, Section 11, Esquimalt Plan VIP60066”.

RELEVANT POLICY:

Official Community Plan Bylaw 2006, No. 2646
Zoning Bylaw 1992, No. 2050

STRATEGIC RELEVANCE:

The proposed “Tot Lot” that is a concomitant requirement of the redevelopment of Hither Green Park supports the Strategic Priority to: “Create and implement a multi-year upgrade and replacement plan for Township playground areas.”

BACKGROUND:

Context

Owner:	Corporation of the Township of Esquimalt
Street Address:	1030 Bewdley Avenue
PID:	000-536-873
Legal Description:	That part of Section 11, Esquimalt District within Plan 37956
Landscape Architect:	Small & Rossell Landscape Architects Inc.
Property size:	477 m ²
Existing Land Use:	Municipal Park
Proposed Land Use:	Municipal Park designed to incorporate an emergency access to the English Inn property to the North
Surrounding Land Uses:	
North:	Boutique Hotel and 180 proposed multi-family dwelling units
South:	Single detached dwellings
East:	Bed and Breakfast
West:	Single detached dwelling
Existing Zoning:	Parks and Open Space [P-2]
Proposed Zoning:	No change proposed
Official Community Plan designation:	Single and Two-unit residential

The approval of the redevelopment of Hither Green Park is one of five Council approvals required for the proposed redevelopment of the English Inn property: The five approvals are as follows:

- 1) Approval of the redevelopment plan for Hither Green Park;
- 2) Approval of the traffic order to create a no parking zone on Bewdley Avenue opposite the park entrance to ensure that there is an adequate turning radius for fire trucks accessing the emergency access through Hither Green Park;
- 3) Approval of the proposed variances (see staff report No. DEV-17-050)
- 4) Approval of the Heritage Alteration Permit (see staff report No. DEV-17-050)
- 5) Approval of the Development Permit (see staff report No. DEV-17-050)

The redevelopment of Hither Green Park is an initiative of Aragon. Aragon needs to secure emergency access to their property through Hither Green Park in order to meet the requirements for

the British Columbia Building Code for their proposed development on the English Inn site. They have developed a design that both creates a park and that accommodates a 6.0 m wide emergency access that allows a fire truck to drive through the park in an emergency. The Esquimalt Fire Rescue estimates that once the project is fully occupied there will be 1 to 2 calls per week. Their experience is that the frequency of calls may be higher during the construction period due to false alarm activations. The Landscape Architect has provided a design rationale for the park (Schedule "D"). As the design for Hither Green Park no longer includes a "tot lot", Aragon has offered to build a new "tot lot" on the English Inn property (Schedule "E"). The "tot lot" is designed as a natural play area. In order to ensure perpetual public access during daylight hours to the "tot lot", Aragon will need to enter into a Section 219 covenant which will include an access right of way as a condition of the redevelopment of Hither Green Park. It is important to note that Hither Green Park will continue to be owned and controlled by the Township.

At their February 20, 2017 Committee of the Whole meeting, Council was asked whether to allow emergency vehicle access through Hither Green Park. Council indicated that their concern was that there could be "no-net-loss" of play space. The Landscape Architect has done an analysis of the potential loss of play space from Hither Green Park with the potential gain in play space with the "tot lot" on the English Inn property (Schedule F). The results of the analysis show a net gain of play space of approximately 35 m².

ISSUES:

1. Rationale for Selected Option - The redevelopment of Hither Green Park is required in order to allow fire truck access to the proposed development. With the exception of the proposed variances, the proposed development on the English Inn property complies with the approved zoning for the site. In response to the concerns of Council and the community, Aragon has recognized the loss of the tot-lot in Hither Green Park and has proposed a no-net-loss solution by developing a fully publically accessible tot-lot at the front of the English Inn property. This play space will be owned, built, and maintained by the English Inn and will be accessible through a Section 219 covenant that will include a statutory right-of-way to ensure public access. Hither Green Park will remain fully functional as a park with the exception of when a fire truck has to access the English Inn site through the park.
2. Organizational Implications - There are no significant organizational implications associated with the proposed development of Hither Green Park.
3. Financial Implications - There are no significant financial implications associated with the proposed development of Hither Green Park. All of the capital costs will be borne by Aragon. The Parks and Recreation Department has indicated that the costs of ongoing maintenance can be addressed through existing resources.
4. Sustainability & Environmental Implications - There are no significant sustainability and environmental implications associated with the proposed redevelopment of Hither Green Park.
5. Communication & Engagement - There have been a number of opportunities for the public to review and comment on the proposed redevelopment of Hither Green Park. These include:

- October 1, 2015 Aragon hosts a public open house to get public feedback on their proposed redevelopment of the English Inn site. The information presented included a display board showing an emergency access route through Hither Green Park (Schedule "G").
- May 27, 2016 Aragon hosts a public open house to get public feedback on their revised plans. The information presented included a display board showing an emergency access route through Hither Green Park (Schedule "H").
- November 7, 2016 Staff presented the proposed design for Hither Green Park to Council. It was moved that, "Council direct staff to work with Aragon Properties to conduct a public consultation process for Aragon's proposed design of Hither Green Park." Carried Unanimously. The drawings that were attached to the Council report are found in Schedule "I".
- November 17, 2016 Open house to review the proposed redevelopment of Hither Green Park. A public notice about the open house was posted on the Township's website.
- December 15, 2016 Concept plans for Hither Green Park are reviewed by the Parks and Recreation Advisory Committee and unanimously endorsed subject to the following: provision for public art; installation of a community message board; integration of features for passive games (i.e. large-scale chess board, bocce, etc.); and a rollover curb and gutter.
- The information presented included a display board showing an emergency access route through Hither Green Park (Schedule "J").
- January 19 to 31, 2017 Hither Green Park display boards are set up for public viewing at the Recreation Centre. On January 20, 2017, the boards from the open house were posted on the Township's website along with a link to Aragon's website which allowed for people to submit comments to Aragon.
- The information presented included a display board showing an emergency access route through Hither Green Park (Schedule "K").
- February 20, 2017 Staff presented all of the results of the various public engagement processes related to Aragon's proposed redevelopment of Hither Green Park and requested guidance from Council on next steps. Council's comments included:
- In support of playground for community use, preferably on English Inn site, alternatively nearby
 - Costs involved for ongoing maintenance
 - Landscaping and streetscape concerns
 - Consider alternate emergency vehicle access options including Lampson Street
 - Remain a publicly owned park

- Diversity of design for multi-purpose use within Community
- Loss of green space, parkland and primary use of space

The proposed redevelopment of Hither Green Park has generated significant feedback from nearby residents. The following correspondence has been received recently (Schedule “L”):

- May 23, 2017 A petition from “constituents and residents of the Bewdley-Lampson-Munro area”
- July 31, 2017 E-mail from Linda Barnes
- August 1, 2017 E-mail from Lorraine Nygaard
- August 6, 2017 E-mail from Joanne Mickelson
- August 4, 2017 E-mail from Michael Dillistone
- August 10, 2017 Letter from Charles Hoeberechts and Patricia Pakvis
- August 13, 2017 E-mail from Dianna & Scott Banister
- August 13, 2017 E-mail from Marjorie Sandercock
- August 14, 2017 E-mail from Willow Easton
- August 14, 2017 E-mail from Joanne Mickelson
- August 15, 2017 E-mail from John B. Shields
- August 15, 2017 Letter from Sheila & Terry Fiorin and Bernice Fiorin
- August 15, 2017 E-mail from Bob Newstead and Ian Holder
- August 17, 2017 E-mail from Herman Solomon
- August 17, 2017 E-mail from Rod and Heidi Woods

Issues identified in the correspondence Includes:

- Do not want the family-oriented character of the neighbourhood to be disturbed.
- Providing access for the English Inn project off Bewdley Ave., imposing parking restrictions, and creating a setting that allows for the inevitable increase in vehicular traffic will severely compromise the neighbourhood’s safety and quality of life.
- We most strongly believe that any development in our area needs to take the interests of the individuals already in residence in this area into consideration in order to retain the vibrant and loyal character of your voter base.
- We, the undersigned, believe that in the interest of democratic decision-making, our voices should be heard and counted, before Council reaches a final decision on this matter.
- Would appreciate postponing the decision until September as many residents that are away need the chance to have their voices heard.
- 20 neighbours came together to discuss the planning and development of Hither Green Park and respectfully ask Council to consider postponing a decision until Council and staff have participated in a process to properly consult with the wider neighbourhood and the citizens all hear the same information at one place and one time. There is so much misinformation about this project. The main points from the meeting were:
 - Not a single neighbor was opposed to developing the English Inn site. All understood that progress means density and everyone was supportive of some kind of development. This was not a “neighbours against development” meeting.
 - People were unhappy about the approved increased density that resulted in the

necessity to scramble around to find an appropriate fire access. Hither Green was not the place. The fact that everything has seemed to be done without informing people of what was being proposed is the biggest glitch in process.

- There has been poor communication throughout the entire project. Nothing in the Esquimalt newsletter, no signage put up on the property, and no communications with neighbours who have already shown concern by coming to Council. People are feeling unheard by staff and council.
- 20 neighbours of the property all agree that 180 units is too much for the property completely surrounded by single family dwellings due to:
 - Consistent drainage issues off 429 Lampson to the south causing damage to neighbouring properties.
 - Shadowing on the north side properties on Wychbury Ave.
 - Traffic study was for far less than 180 units.
 - We will not give up Hither Green Park as it is a public park and precious to the area. Without it the proposed density will be dangerous and impossible, due to fire regulations. We have been anticipating new play structures there for a long time.
- Considering that the Township of Esquimalt is offering a Housing Policies meeting in the fall, it also seems appropriate to consider the findings of that meeting when considering the plans of 4+ acres in one of the most sought-after neighbourhoods in the CRD.
- Use of Hither Green Park for fire access is absurd. This park is paid for by Esquimalt tax payers and we don't agree with giving away a publicly paid park to private developers so they can make millions.
- We should be cherishing and preserving what little green spaces we have left in Esquimalt.
- Walking barefoot on grass improves eyesight, keeps feet healthy, relieves stress, and neutralizes electrical energies. With these benefits we should be installing more small parks like Hither Green, not paving them over.
- There are not enough family-friendly locales in our vicinity...we need more playground areas and places where families can spend time together.
- With respect to the size and number of units in the proposed development, we think that it is unreasonably large and that the impact on our area will be severe.
- Concerned about increased traffic.
- Concerned about blasting.
- Strongly believe that Aragon should not have access to a public park to accommodate fire access.
- It is not really a park if it is paved over and has to remain that way for clearances.
- The whole proposal relies on using Hither Green as fire access, so how can designs be approved and demolition permits be issued when this has not happened.
- How could zoning be amended to allow such a large density without adequate fire access.
- The use of Hither Green as a primary fire access road is critical for the existing proposal due to the current density and fire regulations.
- The public needed to know that the primary fire access road is critical to the existing proposal. There was a lack of transparency.
- There are firefighting issues.
- Not sure why there hasn't been a lot of communicating and providing information to neighbours at this stage of the application.

- Hither Green was never contemplated to be a “primary fire lane”...it was only every conceived of a secondary access; only to be used if the driveways off of Lampson Street were blocked.
- How can anyone on staff or Council expect reasonable, informed input unless we have all of the information and adequate time?
- To offer a public park to a developer so they can maximize profits at increased density undermines the concept of public property.
- Concerned about density, traffic, shadowing, drainage, noise, and light pollution.
- The proposed Play Fort is a fraction of the size of Hither Green Park.
- Real Estate speculation.
- Impact on Macaulay School.
- Social housing.
- A future strata corporation could block public access to the proposed tot lot on Aragon’s property.

There are a number of issues that have been raised by neighbours that were part of the rezoning process which culminated with the adoption of the rezoning bylaw for the English Inn property on November 4, 2013. Unless they are related to one of the proposed variances, the following issues should not be used by Council as part of their decision making process as the issues were resolved through the rezoning process or will be dealt with through other legislation/regulations such as the British Columbia Building Code:

- Density of development on the English Inn site (the proposal conforms to the existing zoning);
- Height of development on the English Inn site (except where variances are sought, the proposed development conforms to existing zoning);
- Traffic generated by the English Inn site;
- Real estate speculation;
- Site servicing (will be dealt with as part of the building permit review);
- Issues related to fire safety other than the use of Hither Green Park as an emergency access route; and
- Blasting (Esquimalt does not have a blasting bylaw).

ALTERNATIVES:

1. That Council approve the redevelopment of Hither Green Park subject to the following conditions:
 - 1) The development generally conform to the Landscape Plan prepared by Small & Rossell Landscape Architects Inc. dated July 21, 2017 and attached as Schedule “B”.
 - 2) The costs of redevelopment are borne by the owner of the English Inn property (Lot B, Section 11, Esquimalt Plan VIP60066), as proposed by them, and the Township is in receipt of security in the amount of \$230,482.00 being 120 percent of the estimated landscaping costs provided by Small and Rossell, Landscape Architects (Schedule “C”) for the redevelopment of Hither Green Park.
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property (Lot B, Section 11, Esquimalt Plan VIP60066), and the costs of development and ongoing maintenance of a “tot lot” are borne by them, as proposed by them.

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2. That Council not approve the redevelopment of Hither Green Park and notify Aragon that they will need to adjust their development permit application by finding an alternate emergency access.