



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 17-314, Version: 1

REQUEST FOR DECISION

DATE: August 16, 2017

Report No. DEV-17-050

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Service and

Karen Hay, Planner

SUBJECT:

Development Permit, Development Variance Permit and Heritage Alteration Permit - 429 Lampson Street

[PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066]

RECOMMENDATION:

1. That Council resolves **that Development Variance Permit No. DVP00049 [Appendix A]** authorizing the development as shown on the B.C. Land Surveyor's Building Location Certificate prepared by J.E. Anderson and Associates, stamped 'Received July 18, 2017', the architectural drawings prepared by Merrick Architecture stamped 'Received July 18, 2017', and the landscape plans prepared by Small and Rossell, Landscape Architects, stamped 'Received July 21, 2017', and including the following relaxations to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street]; and that the variance to allow a fence around the 'Neighbourhood Playground Space' and the variance to allow the 'Play Fort' in the southwestern corner of the property not be referred to the Advisory Planning Commission;

Zoning Bylaw 1992, No. 2050, Section 67.71 B. Site A (7)(a) Siting Requirements -

Principal Building - A variance to the permitted perimeter of the principal building as shown in the Land Surveyor's Certificate prepared by McElhanney Consulting Services, stamped 'Received September 9, 2013' by substituting the B.C. Land Surveyor's Certificate prepared by J.E. Anderson and Associates, stamped 'Received July 18, 2017';

Zoning Bylaw 1992, No. 2050, Section 67.71 - C. Site B (17)(a) Lot Coverage - An increase to the requirement that all Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 50 % of the Area of Site B for the building foundations and underground parking structure, allowing those structures that are sunk into land to cover 65 % of Site B;

Zoning Bylaw 1992, No. 2050, Section 67.71 - C. Site B (18)(a)(ii) Siting Requirements - Principal Building - Eastern Lot Line setback - A 0.30 metre decrease to the 3.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing up to 0.30 metres for balcony edges within the setback [i.e from 3.5 to 3.2 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(ii) Siting Requirements - Principal Building - Eastern Lot Line setback - A variance to the 3.5 metre minimum setback requirement for building elements up to 11 metres in height; allowing Building Elements (roof peaks) up to 15.0 metres in height with a minimum setback of 3.5 metres from the Eastern lot line, for 'Level 4' of the eastern most end of 'Building 3' [the Southern Building], [i.e. from 11 metres to 15.0 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iii) Siting Requirements - Principal Building - Northern Lot Line setback - A 0.30 metre decrease to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing up to 0.30 metres for balcony edges within the setback [i.e from 4.5 to 4.2 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iii) Siting Requirements - Principal Building - Northern Lot Line setback - A variance to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing building elements up to 16.0 metres in height with a minimum setback of 4.5 metres from the Northern lot line, to allow for the 'Level 4' exterior corridor, and a portion of 'Building 1' [the Northern Building], [i.e. from 11 metres to 16.0 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iv) Siting Requirements - Principal Building - Southern Lot Line setback - A 0.30 metre decrease to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing up to 0.30 metres for balcony edges within the setback [i.e from 4.5 to 4.2 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iv) Siting Requirements - Principal Building - Southern Lot Line setback - A variance to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing building elements up to 15.5 metres in height with a minimum setback of 4.5 metres from the Southern lot line, to allow for the 'Level 4' southern most portion of 'Building 3' [the Southern Building], [i.e. from 11 metres to 15.5 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iv) Siting Requirements - Principal Building - Southern Lot Line setback - A 1.5 metre decrease to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing building elements up to 11 metres in height with a minimum setback of 3.0 metres from the Southern lot line, to allow for the south end of the southwestern 'Townhouse' building [i.e. from 4.5 metres to 3.0 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(b)(i) Siting Requirements - Accessory Buildings - A variance to the requirement that no accessory building shall be located in the Front Yard, to allow the 'Play Fort' in the southwestern corner of the property;

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (20) Fencing - A variance to the requirement that fencing is prohibited within 36.7 metres of the Front Lot Line, to allow a fence around the 'Neighbourhood Playground Space' and along the southern lot line. For certainty, within this area and subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of a Principal Building and no fence shall exceed a Height of 2 metres behind the front face of the Principal Building;

Zoning Bylaw 1992, No. 2050 Section 16. (1)(b)&(e) - SITING EXCEPTIONS - A 0.3 metre increase to the exception; thereby allowing setbacks to be reduced by not more than 0.6 metres only, for certain features if projecting beyond the face of a building and into a setback; allowing portions of the gutters, sills, eaves, and ornamental features [heavy timber trellis elements] to project 0.9 metres into the required Setbacks [i.e. from 0.6 metres to 0.9 metres];

Parking Bylaw, 1992, No. 2011, Section 14. (4) DIMENSIONS OF OFF-STREET PARKING SPACES - An exemption to the requirement that where any Parking Space abuts any portion of a fence or Structure, the minimum stall width shall be increased by 0.3 metres for that Parking Space, for those Parking Spaces abutting a structural column within the parking garage;

Parking Bylaw, 1992, No. 2011, Section 14. - DIMENSIONS OF OFF-STREET PARKING SPACES - TABLE 2 - A 0.65 metre reduction to the required width of the maneuvering isle adjacent to 90° angle parking, from 6.75 metres to 6.1 metres, for the maneuvering isle adjacent to the 'Townhouse' garages.

2. That Council resolves **that Heritage Alteration Permit No. HAP00002 [Appendix B]** that varies the provisions of Heritage Designation [429 Lampson Street] Bylaw, 2013, No. 2807' by allowing the alterations and additions to the heritage building in accordance with the architectural drawings prepared by Merrick Architecture stamped 'Received August 09, 2016', attached to Heritage Alteration Permit No. HAP00002 as Schedule 'A', **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street];
3. That Council resolves that **Development Permit No. DP000072 [Appendix C]** authorizing the development as shown on the B.C. Land Surveyor's Building Location Certificate prepared by J.E. Anderson and Associates, stamped 'Received July 18, 2017', the Architectural Drawings and Colourboard prepared by Merrick Architecture stamped 'Received July 18, 2017', the Site Circulation Plan and Exterior Corridors Condition Perspective Views prepared by Merrick Architecture stamped 'Received May 8, 2017', and the Landscape Plans prepared by Small and Rossell, Landscape Architects, stamped 'Received July 21, 2017', **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street].

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

STRATEGIC RELEVANCE:

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

BACKGROUND:

Appendices

Appendix A - DVP00049 - English Inn - 429 Lampson Street

Appendix B - HAP00002 - English Inn Manor House - 429 Lampson

Appendix C - DP000072 - English Inn - 429 Lampson Street

Appendix D - Subject Property Map, Air Photo, DVP Mail Notice

Appendix E - CD No 84 Zone, Heritage Designation Bylaw 2807, DP No 7 Guidelines

Appendix F - Phasing Plan, Development Permit Design Summary and Rationale, and Sustainability Design Rationale

Appendix G - Development Variance Permit Summary and Rationale

Appendix H - BCLS Building Location Certificate July 18 2017

Appendix I - Landscape Plans - August 2017

Appendix J - Response to Design Review Committee - Deer, Lighting, Corridors, Site Circulation

Appendix K - Parking Study, Parking Layout Review, Green Building Checklist - August 2016

Appendix L - Public Comments

Purpose of the Application

The property owner is proposing a multi-phased commercial and residential development. The property's development is governed by Comprehensive Development District No. 84 of Esquimalt Zoning Bylaw 1992, No. 2050 which divides the property into Site A and Site B. The property is located within Development Permit Area No. 7 - English Inn; therefore, a Development Permit is required for the construction of any new buildings and the alteration of the lands or landscaping.

Site A [the 'Manor house' site]; which contains the English Inn, a heritage designated building, would be altered to reinstate a full service restaurant, expanded bar lounge, and new event space in the basement. The non-heritage wing [annex/ tudor village] has been demolished and would be replaced with a new hotel wing including additional hotel rooms and a spa. A Heritage Alteration Permit is being requested in order to make the changes to the exterior of the Inn building, including; the addition/ replacement of several new windows, doors, and replacement grander exterior stairs on the east side of the building.

On Site B ['the Remainder', or the development site]; all the existing buildings have been demolished, and would be replaced with a two level subgrade parking garage with wood frame multi-unit residential [up to 6 storeys] buildings above. Seven townhomes and a publicly accessible children's playground are proposed for the southwest portion of the Site B.

Context

Applicant: Merrick Architecture

Owner: Aragon (Lampson) Properties Ltd., Inc. No. BC863902

Architect: Merrick Architecture

Property Size: Metric: 17653 m² Imperial: 4.36 acres
Existing Land Use: English Inn and Resort
Surrounding Land Uses:
North: Multi-Family, Single and Two Family Residential
South: Bed and Breakfast, Single and Two Family Residential, Hither Green Park
West: Single Family and Two Family Residential
East: DND [Public/ Institutional]
Existing Zoning: Comprehensive Development District No. 84 [CD No. 84]
Existing OCP Designation: English Inn Mixed Use

Development Variance Permit

There are a number of variances being requested with this application, most are localized to small areas of a very large site. The applicant's 'Development Permit Design Summary and Rationale' [Appendix 'F'] explains the rationale for the redevelopment proposal and the applicant's 'Development Variance Permit Summary and Rationale' [Appendix 'G'] outlines the reasons for the requested variances.

The most significant variance is a siting variance for the proposed new wing of the English Inn building on Site A; which would be taller than the former wing and closer to the north property line. Site A within Comprehensive Development District No. 84 [CD No. 84] allows buildings up to 37.2 metres in height; which is the height of the English Inn. The proposed building at 4 storeys does not exceed the 37.2 metre allowable height requirement. The variance is for the siting; as the proposed new building's foundation is setback 1.22 metres from the north property line (the minimum required by the BC Building Code), and CD No. 84 requires that all buildings maintain the footprint of buildings as they existed in September 2013. The former wing was 2 to 3 storeys and the closest part of foundation wall was 2.2 metres from the north property line. The placement of this building in this location will cast a shadow on a portion of the properties to the north. The size and placement of this addition would allow for additional 'viable hotel rooms', and 'preservation of the north, existing Wedding Garden'; while making the Inn more commercially viable.

The Site B multi-unit residential buildings will have a large shared parking garage underneath the buildings. Parts of this garage will not be covered with building but will have landscaping at the first floor level. As Esquimalt's zoning bylaw does not distinguish between a 'structure sunk into the ground' that is covered with building from that portion covered with landscaping, the applicant is asking for a Lot Coverage variance to allow for the proposed combined underground parking structure and building foundations to cover more than 50 percent of the Site B, i.e. from 50% to 65%.

The Design Guidelines for 'Development Permit [DP] Area No. 7 - English Inn' advises that new buildings should incorporate pitched rooves' similar to the English Inn. This makes for an interesting design, complimentary to the Inn; but has contributed to two of the requested Siting Requirement variances that would legitimize the high pitched rooves that are above the 11 metres maximum requirement at Level 4, within 3.5 metres of the east lot line and 4.5 metres of the south lot line. There is also a requested siting variance from the north lot line allowing for a portion of the building, exterior corridors, balconies and exterior stairs that are over 11 metres above grade and within the setback. There is a small portion of many of the balcony's (up to 0.30 metres) that encroach into required setbacks, at various locations along the North, East and South lot lines.

The DP guidelines encourage the use of significant eaves and ornamental features as seen on the English Inn. In order to achieve this; in several locations the eaves and the timber trellis elements, would project further than the 0.6 metres [2 feet] allowed for Projections into a setback. Therefore, the applicant is requesting a variance to allow eaves and ornamental features to project 0.3 metres [3 feet] into the required setbacks.

The CD No. 84 zone Fencing requirements were written to prevent fencing in the front of the English Inn and prevent a future 'gated' strata development on Site B; as a result no fences are permitted within 36.7 metres of the front lot line. The applicant is requesting a variance to allow a 'good neighbour' fence to exist along the south property line, between the proposed new townhouses and the neighbouring property to the south; and also a fence around the proposed 'Imagine neighbourhood playground space' located in front of the proposed townhouses.

There is a variance requested to allow the 'Play Fort within the 'Imagine neighbourhood playground space', which is technically an 'accessory building' being located in front yard of the principal buildings on the Site B.

There are two parking related variances being requested, both are minor, as the development would be supplying excess parking spaces above Esquimalt's Parking Bylaw, 1992, No. 2011 requirements, [Appendix 'K' - 'Parking Study']. The parking bylaw requires parking spaces abutting walls and structure (columns) to have 0.3 metres of additional width. The first parking variance would allow the parking spaces adjacent to columns, within the underground parking structure, to not have the additional width, which is supported by the applicant's consultant's reports, [Appendix 'K' Parking Layout Review']. The second parking bylaw is for the width of the maneuvering isle adjacent to the Townhouses where a slightly narrower 'paved' maneuvering isle would be provided. Again, see Appendix 'K' - 'Parking Layout Review' report prepared by Boulevard Transportation.

Heritage Alteration Permit

A portion of the exterior of The English Inn [Samuel Maclure designed Manor House] was protected by Esquimalt Council through a Heritage Designation Bylaw in 2013 [Bylaw 2807], [Appendix 'E']. The community recognized the heritage value and character of this building and a 'Statement of Heritage Value' was written for the building [attached to Bylaw 2807]. The Bylaw states that any changes to the building's exterior requires a Heritage Alteration Permit and that those changes should be consistent with the following:

- (i) the statement of Heritage Value prepared by Donald Luxton & Associates, dated September 2013 [attached to Bylaw 2807];
- (ii) Standards and Guidelines for the Conservation of Historic Places in Canada, © Her Majesty the Queen in Right of Canada, 2010, Second Edition;
[available on line at: <http://www.historicplaces.ca/en/pages/standards-normes.aspx>]
- (iii) guidelines provided in relation to the Lands further to Development Permit Area No. 7 - English Inn, [Appendix E].

The proposed changes to the English Inn could be categorized as a 'rehabilitation', Standards and Guidelines for the Conservation of Historic Places in Canada; as the Inn, a tourist commercial use, has been struggling financially for many years. The Inn / manor house has had many additions and alterations over its lifetime, some less sympathetic to the original character of the building than others.

Briefly, the changes proposed are:

1. Removal of an accessory stairway and one large and two small new windows added on the west façade [front, facing Lampson Street];
2. A new window, new French doors and a reinstated window in the south façade;
3. New main level terrace and exterior stairs, refurbished door, and reinstated door and window on the east side of the building;
4. In fill addition on the lower level of the east side of the building to support an older second storey addition;
5. New timber bracket added to an existing second floor balcony;
6. New addition [wing] to replace the previous wing that had no heritage protection and is therefore outside the heritage alteration permit.

See applicant's Heritage Application Permit Plans in Appendix 'B'.

The proposed changes, 'are intended to give the impression that the components were all part of the original heritage design'; with the exception of the new wing, all appear to be complimentary to the original building design and are generally consistent with the requirements of the heritage designation bylaw. Though, the 'Statement of Heritage Value' deals exclusively with only the original elements of the building that would have been designed by Samuel Maclure, the community has come to value the Inn as it appears today with the contributions by its many past owners adding to its heritage value. Hopefully, the Inn will continue to exist and evolve to meet the needs of today's Esquimalt.

Development Permit

The property is within the Official Community Plan, Development Permit Area No. 7 - English Inn [DP Area No. 7] [Appendix 'F']. The development guidelines in this DP area were developed to 'encourage new development to be sympathetic with, and a good neighbour to both the existing heritage house and the surrounding neighbourhood; while providing the opportunity for alternative massing solutions to accommodate various building programs. The key objective of DP Area No. 7 is a harmonious and sensitive development.

The design guidelines were written based on a concept plan proposed by a former owner, who was also working with Merrick Architecture at the time of the rezoning of the property [2013]. The current proposal appears to largely comply with the design guidelines. The applicant's 'Development Permit Design Summary and Rationale', and 'Sustainability Design Rationale' [Appendix 'F'] explain the rationale for the redevelopment proposal.

Landscaping:

Full detailed landscaping plans have been provided [Appendix 'I']. The landscaping plans provide for some retention of existing trees and many new replacement trees. Native species of trees, shrubs and grasses are proposed as recommended by the DP Area No. 7 Design Guidelines. A nursery has been set up to retain and replant some of the existing trees.

The large underground garage would have sections ['Sunken Lawn'] with landscaping overtop, with minimal capacity for trees. There is a restored Garry Oak meadow garden proposed for the southeast section of the property.

There would be permeable paving, rain gardens, bioswales and ornamental pools designed to manage the rainwater on site.

A neighbourhood playground space is provided in the southwest corner of the property with the intent that it would serve children who may reside at the development and in the neighbourhood as a whole.

Movement of vehicles through the site was highlighted as a concern by the Design Review Committee; as a result a 'Site Circulation Plan' was developed showing where and how Inn guests, site residents, and emergency vehicles would access different areas of the site [Appendix 'J'].

The Design Review Committee also had concerns over the lighting of the many exterior corridors, as a result the applicant has provided 'Exterior Corridor' plans that show lighting directed down and towards the building; thereby minimizing light spill to neighbouring properties.

Comments from the Advisory Design Review Committee [DRC]

This Development Permit application was considered at the regular meeting of the DRC held on July 20, 2016. The DRC members were supportive of the design, the phasing plan proposed, the many different suite types provided in the buildings and the ability to save trees given the density proposed. The committee expressed some concerns which are captured in the motion conditions, below.

The DRC passed the following motion:

Moved by Paul De Greeff, seconded by Richard Iredale: That the Esquimalt Design Review Committee [DRC] provide Council and the Director of Development Services with comments on the Development Permit for the new development proposed for 429 Lampson Street as illustrated in the architectural drawings prepared by Merrick Architecture, stamped "Received July 15, 2016", for the property at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street] and make a recommendation for approval with the following conditions:

That the applicant:

- 1. Include on the landscape plan a one to one replacement tree for any failed salvaged trees*
- 2. Include a replacement plan for overgrown Cypress trees that cannot be retained (various hedges and screens)*
- 3. Include a deer management plan*
- 4. Provide clarification on the management of light spillage to the adjacent properties*
- 5. Provide clarification on hard and softscape treatment for the Hither Green Park*
- 6. Provide additional details on the exterior corridor treatment; such as railings and lighting*
- 7. Provide clarification on approaches; drop off zones and general circulation to the east portion of the site.*

The Motion Carried Unanimously

Note: The applicant has responded to the DRC 'recommendation with conditions' with revised landscape plans, a deer management plan, lighting and corridor plans and a site circulation plan, see Appendix 'J'.

Comments from the Advisory Planning Commission [APC]

This Development Variance Permit application and the Heritage Alteration Permit were considered at the regular meeting of the APC held on August 16, 2016. The APC members were supportive of the

application, expressing the importance of making the English Inn economically viable in the future as it is a real asset to Esquimalt, and that overall the design is successful for the property with minimal impact on the surrounding area. The APC passed the following motions:

RECOMMENDATION 1 - Development Variance Permit:

Moved by Berdine Jonker, seconded by Lorne Argyle that the Advisory Planning Commission recommends to Council that the application for a Development Variance Permit for the proposed new development as illustrated in the architectural drawings prepared by Merrick Architecture, stamped "Received August 9, 2016", and including the following relaxations to Zoning Bylaw 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, for the property at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street]; be forwarded to Council with a recommendation of approval;

Zoning Bylaw 1992, No. 2050 Section 67.71 A. Site A (7) Siting Requirements (a) Principal Building - A variation to the perimeter of the existing principal building as shown in the Land Surveyor's Certificate prepared by McElhanney Consulting Services, stamped 'Received September 9, 2013' by substituting the B.C. Land Surveyor's Certificate prepared by McElhanney Consulting Services, stamped 'Received June 30, 2016'.

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B (15) Unit Size - A decrease to the minimum Floor Area required for each Multiple Family dwelling unit, allowing up to 8% of dwelling units to have less than 60 square metres of floor area.

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B (17) Lot Coverage (a) - An increase to the requirement that all Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 50 % of the Area of Site B for the building foundations and underground parking structure, allowing those structures that are sunk into land to cover 65 % of Site B.

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B (18) Siting Requirements (c) - (iv) Eastern Lot Line setback - A decrease to the 3.5 metre minimum setback requirement for Building elements up to 11 metres in height; allowing building elements up to 14.8 metres in height with a minimum setback of 3.5 metres from the Eastern lot line for the eastern most end of the 'South Building'. [i.e. from 11 metres to 14.8 metres]

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B (18) Siting Requirements (c) - (iii) Northern Lot Line setback - A decrease to the 4.5 metre minimum setback requirement for Building elements up to 11 metres in height; allowing building elements up to 16.0 metres in height with a minimum setback of 4.5 metres from the Northern lot line to allow for the exterior corridor, balcony and stairs along the 'North Building'. [i.e. from 11 metres to 16.0 metres]

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B (18) Siting Requirements (c) - (iv) Southern Lot Line setback - A decrease to the 4.5 metre minimum setback requirement for Building elements up to 11 metres in height; allowing building elements up to 15.4 metres in height with a minimum setback of 4.5 metres from the Southern lot line to allow for the southern most portion of the 'South Building'. [i.e. from 11 metres to 15.4 metres]

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B (18) Siting Requirements (c) - (iv) Southern Lot Line setback - A decrease to the 4.5 metre minimum setback requirement for Building elements up to 11 metres in height; allowing building elements up to 11 metres in height

with a minimum setback of 3.0 metres from the Southern lot line, to allow for the south end of the southwestern 'Townhouse' building. [i.e. from 4.5 metres to 3.0 metres]

Zoning Bylaw 1992, No. 2050 Section 67.71 - B. Site B, (20) Fencing - A reduction to the requirement that fencing is prohibited within 36.7 metres of the Front Lot Line to allow a fence within 0.3 metres of the southern most property line. For certainty, within this area and subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of a Principal Building and no fence shall exceed a Height of 2 metres behind the front face of the Principal Building.

Zoning Bylaw 1992, No. 2050 Section 16. SITING EXCEPTIONS (1) - A 0.3 metre increase to the siting exception allowing setbacks to be reduced by not more than 0.6 metres for certain features to project into a Setback, allowing portions of the gutters, sills and eaves of buildings, and ornamental features [heavy timber trellis elements] to project 0.9 metres into the required Setbacks. [i.e. from 0.6 metres to 0.9 metres].

Parking Bylaw, 1992, No. 2011, Section 14. (4) DIMENSIONS OF OFF-STREET PARKING SPACES - An exemption to the requirement that where any Parking Space abuts any portion of a fence or Structure, the minimum stall width shall be increased by 0.3 metres for that Parking Space for those Parking Spaces abutting a structural column.

Parking Bylaw, 1992, No. 2011, Section 14. - DIMENSIONS OF OFF-STREET PARKING SPACES - TABLE 2 - A 0.65 metre reduction to the width of the maneuvering isle adjacent to 90° angle parking from 6.75 metres to 6.1 metres for the maneuvering isle adjacent to the 'Townhouse' garages.

For the following reason: The variances will have minimal impact on the surrounding area and overall it is a successful design for the property.

RECOMMENDATION 2 - Heritage Alteration Permit:

Moved by Berdine Jonker, seconded by Christina Hamer that the Advisory Planning Commission recommends to Council that the application for a Heritage Alteration Permit for the proposed changes to the heritage designated [English Inn] building as illustrated in the architectural drawings prepared by Merrick Architecture, stamped "Received August 9, 2016", for the property at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street] be forwarded to Council with a recommendation of approval; with the assurance that any additions and alternations to the building follow the Standards and Guidelines for the Conservation of Historic Places In Canada and also respect the Heritage Value Statement for the property. The Motion CARRIED UNANIMOUSLY.

Comments from other Departments

The development proposal package was made available to the following departments for comment:

Engineering Services:

According to Bylaw 2175, including all Schedules, the developer may be required to provide all Works and Services up to the road centerline. All Works and Services are required to be constructed

and installed at the expense of the Owner shall be constructed before the Approving Officer approves the subdivision unless the Owner:

- Deposits with the Municipality a Security Deposit in the amount of 120% of the estimated construction cost, and
- Enters into a Servicing Agreement with the Municipality

A preliminary review revealed that the subject property was connected to both the Municipal Sewer System and Drainage System, but no information regarding age or condition could be found. The proposed development is required to have Services as per Bylaw 2175 (Subdivision and Development Control Bylaw), including, but not limited to, new sewer and drain connections and underground H/T/C.

The Applicant is responsible for retaining the services of a qualified professional for the design of all Works and Services, including a Services Agreement (F1) between the developer and Engineer, and a cost estimate for the proposed off-site Works and Services.

The Township's Engineering department has reviewed the most recent drawings from McElhanney, labelled "July 13, 2017 re-issued for approval" and can confirm that all concerns regarding the off-site Works and Services have been addressed, and once a signed and sealed set are received, will be stamped "approved". A Schedule F-1 services agreement and cost estimate are outstanding.

Building Services:

Each building is to have a separate building permit application, and all are subject to review for building code and bylaw compliance at time of building permit application.

Fire Services:

No comment. The Fire Services staff met with the developer to assist onsite grading and fire equipment locations that would comply with the BC Building Code and work with Esquimalt's equipment.

Parks Services:

No comment. The parks department staff continue to work with the property owner in regards to Esquimalt's tree protection bylaw.

Note: All projects are subject to compliance with the BC Building Code, Esquimalt Subdivision and Servicing Bylaw, Esquimalt Zoning Bylaw and other Regulations and Policies set by Council.

Time Line

- 2013: At the request of a previous owner the property is rezoned, creating Comprehensive Development District No. 84 [CD No. 84] and an OCP amendment is approved, creating Development Permit Area No. 7 - English Inn;

- July 20, 2016: Design Review Committee considered the Development Permit for Form and Character, water conservation and storm-water management;

- August 2016: The applicant decided to pursue a Zoning Text Amendment, as the permitted density for Site A will not accommodate the renovation of the Inn that they have planned;

- August 16, 2016: Advisory Planning Commission considered the Zoning Text Amendment, Heritage Alteration Permit, Development Variance Permit, Covenant Amendment [tree protection];

- September 12, 2016: Council granted 1st and 2nd reading to Zoning Text Amendment Bylaw No. 2880, and instructed staff to schedule the Public Hearing for the Bylaw;
- September 12, 2016: Council approved the proposed alterations to the Restrictive Covenant Amendment [tree protection] and authorized staff to allow alterations to the property's landscaping prior to issuance of the Development Permit [allowing staff to issue tree cutting permits];
- October 24, 2016: Public Hearing for Zoning Text Amendment Bylaw No. 2880 is held;
- October 24, 2016: upon considering comments and all information provided leading up to the Public Hearing, Council adopted Zoning Text Amendment Bylaw No. 2880;
- November 2016 to August 2017: applicant and owner work with staff to clarify access, and servicing issues including the use of Hither Green Park as an emergency access.

ISSUES:

1. Rationale for Selected Option

This project would bring housing options to Esquimalt and would revitalize and improve the commercial viability of The English Inn, an important heritage asset within Esquimalt. The DRC and APC have both unanimously recommended approval of the application. Increasing housing is a major strategy in helping to increase the supply of affordable housing through the laddering process where people move into new housing thereby making existing housing available to buyers who want to move up the housing ladder which creates vacancies in entry level housing. Failure to increase the supply of housing at any level means that people in entry level housing cannot move up the housing ladder and therefore the entry level housing is not made available to people who wish to enter the housing market.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no significant financial implications. Once occupied, the property will be a significant generator of property tax revenue and discretionary spending in the community.

4. Sustainability & Environmental Implications

Increasing residential density in existing neighbourhoods is believed to make a community more sustainable. Increase density also decreases the per capita cost of providing services such as transit and utilities.

5. Communication & Engagement

As this application includes a Development Variance Permit, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on August 4, 2017 [Appendix 'D'] indicating that Council would be considering the requested

Development Variance Permit on August 21, 2017. To date, the Development Services Department has received several comments from local residents as a result of the notification. See Appendix 'L'.

ALTERNATIVES:

1. That Council resolves that Development Variance Permit No. DVP00049 [Appendix A], Heritage Alteration Permit No. HAP00002 [Appendix B] and Development Permit No. DP000072 [Appendix C] **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street] (*As in the RECOMMENDATION section.*).
2. If Council has rejected the use of Hither Green Park as a primary fire access for the proposed development then Council table Development Variance Permit No. DVP00049 [Appendix A] and Heritage Alteration Permit No. HAP00002 [Appendix B] and Development Permit No. DP000072 [Appendix C]; and advise the applicant to return with an amended fire access plan.
3. That Council deny Development Variance Permit No. DVP00049 [Appendix A], and Heritage Alteration Permit No. HAP00002 [Appendix B].