



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

LATE AGENDA ITEMS COUNCIL

Monday, March 1st, 2021 @ 7:00 pm
Esquimalt Council Chambers

- (1) **PERTAINING** to Item No. 5: **PUBLIC HEARING** – Public Hearing OCP Amendment and Rezoning - 842 Carrie Street, Staff Report No. DEV-21-012
 - Email from Mark Haines, dated February 26, 2021, Re: Written Submission for 842 Carrie Street

- (2) **PERTAINING** to Item No. 8 (4): **STAFF REPORTS** – Rezoning Application – 1100, 1104 & 1108 Esquimalt Road, and 610 & 612 Lampson Street, Staff Report No. DEV-21-011
 - Emails from Colin McTaggart dated February 14, 2020 and March 1, 2021, Re: Lampson and Esquimalt Road Rezoning

Corporate Services

From: Mark Haines
Sent: February-26-21 8:57 PM
To: Corporate Services
Subject: Written Submission Regarding Bylaw Amendment

CORPORATION OF THE TOWNSHIP OF ESQUIMALT
 For Information:
 CAO Mayor/Council

 RECEIVED: MAR 01 2021
 Referred: Application - 842 Carrie St. *Rachel*
 For Action For Response COTW
 For Report Council Agenda IC
late item

To Council,

This is a written submission for the Public Hearing in regards to amendment application for 842 Carrie St. (PID 000-385-336), Lot 14, Section 10, Esquimalt District, Plan 276

In general, it is good for the Township to be supporting development that increases availability of housing and improves the quality of land use in a neighbourhood. I generally support land owners doing what they wish with their own property, and generally support the idea of building a second house on this property. There are however some concerns that I hope the Township will consider in its decision.

1) Proximity to neighbouring properties: This yard is in very close proximity to 856 Colville Rd. 856 Colville is home to and so any development activities next door will stand to cause a significant disruption to their quality of life. The concerns of the owners of 856 Colville should be given greater weight in informing this decision.

2) Sunlight: Effects on sunlight to neighbouring properties: The construction of a house in this lot is qualitatively different than other similar houses approved in the area. The example used by the applicants is 873 Phoenix St. 873 Phoenix St. was built in a side lot that has a significant space between it and the neighbouring house at 869 Phoenix. 873 Phoenix is also on the south side of the property that was subdivided which would not result in any loss of sunshine to any adjacent properties. House construction at 842 Carrie would be built with almost no setback to 856 Colville and would significantly block sunlight from entering 846 Carrie St. back yard as it is on the south east facing side of these properties. This will amount to a material impact on the quality of use of the back yard at 846 Carrie St. and 856 Colville and will likely affect their property values. The constructed house should not be more than one storey so as to minimize impacts on adjacent properties. No one wants a big wall next to their yard where sunlight used to shine in. The perspectives of the owners of 846 Carrie and 856 Colville should thus be given greater weight.

3) Construction Disturbances: During construction of 873 Phoenix St, significant property damage was done to 869 Phoenix yard as it was used for staging. What area do the owners of 842 Carrie propose to use for their staging area for constructing a house in their back yard? Do they have a plan for minimizing disruption and providing for appropriate mitigation of runoff issues? Clarity regarding how the property owner intends to manage construction so as to not disrupt adjacent property owners should inform this decision.

4) Climate change and trees: The Township has established climate action as a key policy objective in the OCP and has a Tree Protection Bylaw. The property owner should be required to replace any trees removed for construction either on property or in adjacent areas such as on school property across the street or in Anderson Park.

5) Architectural Style: All recent re-developments in the neighbourhood have been constructed in a style that is similar to adjacent properties. Examples of this include 845 Carrie and 873 Phoenix. There is a trend in Esquimalt for houses to be constructed in a "Modern" style which sticks out like a sore thumb in these older neighbourhoods and detracts from the heritage of the area. Many properties in the area are investing significant money in restoring their houses while maintaining the character of the houses. The architectural approach to this project should match the style of the neighbourhood.

6) Parking: Parking is a scarce resource in this area, particularly on Colville which does not have "residents only" parking and is right beside the school. Plans for the site should include parking for two vehicles off street as other nearby developments have required. When 873 Phoenix St was approved, it did not include adequate off street parking (the garage is too small for parking). It has thus resulted in two on street vehicles at all times in an area with parking scarcity. Additional vehicles on the street because of inadequate off street parking will affect adjacent land owners, particularly because this development will also remove parking space in order to facilitate property access.

Thank you for considering my concerns for this development.

Warm Regards,

Mark Haines
855 Phoenix St.

Kim Maddin

From: Corporate Services
Sent: March-01-21 3:46 PM
To: Kim Maddin
Subject: FW: RZ000058 - Lampson and Esquimalt Rd.

Importance: High

Mail log Please.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT		
For Information:		
<input type="checkbox"/> CAD	<input type="checkbox"/> Mayor/Council	
<hr/>		
RECEIVED: MAR 01 2021		
Referred: <i>Rachel</i>		
<input type="checkbox"/> For Action	<input type="checkbox"/> For Response	<input type="checkbox"/> COTW
<input type="checkbox"/> For Report	<input checked="" type="checkbox"/> Council Agenda	<input type="checkbox"/> IC

Corporate Services
General Delivery Email

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19

From: Development Services <Development.Services@esquimalt.ca>
Sent: March-01-21 1:43 PM
To: Corporate Services <Corporate.Services@esquimalt.ca>
Cc: Alex Tang <Alex.Tang@esquimalt.ca>
Subject: FW: RZ000058 - Lampson and Esquimalt Rd.

Please add this to the late items on tonight's agenda

Development Services
General Delivery Email

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19

From: Colin McTaggart <colin.mctaggart@ameliaartists.com>
Sent: February-14-20 1:53 PM
To: Development Services <Development.Services@esquimalt.ca>
Cc: Nadia McTaggart
Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

February 14th, 2020

Via Email

Development Services
The Corporation of the Township of Esquimalt
1229 Esquimalt Road
Esquimalt, BC
V9A 3P1

Re: RZ000058 - Lampson and Esquimalt Rd.

My name is Colin McTaggart and with my wife Nadia McTaggart we live and own #12-618 Lampson St. We have concerns with the current development proposed for Lampson and Esquimalt rd. and would like to make them know to the Township.

We live in a 12 unit 3 storey townhome that is south facing on Lampson hill. The condo proposed to be built in front of us would be 6 stories east to west and would basically become a wall blocking our sunlight for the better part of the year. The development needs to take into account the impact it will have on the neighbourhood and the 12 families who just purchased new south-facing homes in Esquimalt. In its current design, it does not.

I am not anti-development in our neighbourhood, it would be hypocritical, but there must be a way to bring density to the block of land in front of us without taking away our sunlight. Why does this need to be 1 building? Maybe two buildings would be better suited to the site like the Duet in James Bay.

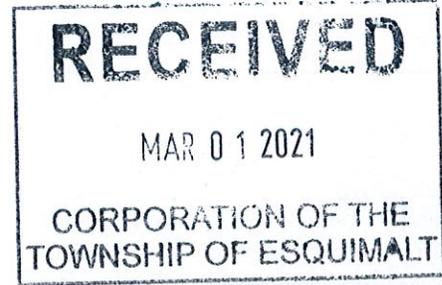
Best Regards,

PLEASE NOTE OUR NEW ADDRESS

Colin McTaggart
Artist Management
Amelia Artists Inc.
240-730 View St.
Victoria, BC
V8W 3Y7 Canada
Office: (250) 995-2642
Cell: (250) 532-2246

Kim Maddin

From: Bill Brown
Sent: March-01-21 4:26 PM
To: Corporate Services
Subject: FW: RZ000058 - Lampson and Esquimalt Rd.



Bill Brown, MCIP
Director of Development Services
Tel: 1-250-414-7146

For the latest on the Township's response to COVID-19, please visit
esquimalt.ca/covid19

From: Alex Tang <Alex.Tang@esquimalt.ca>
Sent: March-01-21 1:46 PM
To: Colin McTaggart <colin.mctaggart@ameliaartists.com>
Cc: Nadia McTaggart ; Bill Brown <bill.brown@esquimalt.ca>
Subject: RE: RZ000058 - Lampson and Esquimalt Rd.

Hello Mr. McTaggart,

Yes, the email that you sent to development services constitutes part of the public input for the rezoning application and is attached accordingly.

Cheers,
Alex

Alex Tang
Acting Planner 2
Tel: 1-250-414-7132

For the latest on the Township's response to COVID-19, please visit
esquimalt.ca/covid19

From: Colin McTaggart <colin.mctaggart@ameliaartists.com>
Sent: March-01-21 1:32 PM
To: Alex Tang <Alex.Tang@esquimalt.ca>
Cc: Nadia McTaggart ; Bill Brown <bill.brown@esquimalt.ca>
Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

Thank you for clarifying Alex. our correspondence from February 14th, 2020. Has it been noted on the record?

On Mon, Mar 1, 2021 at 1:27 PM Alex Tang <Alex.Tang@esquimalt.ca> wrote:

Hello Mr. McTaggart,

To clarify, the rezoning application is not on the agenda for a public hearing tonight, but for 1st and 2nd reading. When the public hearing is scheduled, occupants and property owners within 100 metres of the subject properties will be notified by mail.

Cheers,

Alex

Alex Tang

Acting Planner 2

Township of Esquimalt | Development Services

Tel: 1-250-414-7132 | www.esquimalt.ca

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19



This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart <colin.mctaggart@ameliaartists.com>

Sent: February-26-21 7:02 PM

To: Development Services <Development.Services@esquimalt.ca>

Cc: Nadia McTaggart

Alex Tang <Alex.Tang@esquimalt.ca>

Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

Hi Bill & Alex - It's been brought to our stratas attention that the development changes were released today and that it will be coming to council on Monday. Our understanding is everyone within 100m of the development should have been notified of it coming to council. This has not happened and we request that this be postponed until we have a chance to look over the updated proposal. Beyond being directly affected by the height of the building there is a covenant on the land that our strata controls that states that there shall be no building on the property without our consent. While there is no building being built in that corner we'd like an opportunity to confer with our legal team to make sure that the driveway being proposed is not in contravention of the covenant.

Ive also pasted our correspondence below from February 17th, 2020 when you said we would be contacted prior to it coming to council.

Dear Mr. McTaggart,

Thank you for your e-mail related to the proposed development to the south of your residence. As the developer is still working on the design, the appropriate time to comment would be at the public hearing that is yet to be scheduled. Assuming that your home address is correct in the Township's tax roll, you will receive a notice in the mail with the date and time of the public hearing. You do not have to attend in person, you can simply supply written comments. If you supply written comments please send them to the e-mail or mail address on the notice so that they arrive a week before the public hearing. That way your comments will be attached to the public hearing staff report rather than submitted to Council as a late item when Council approves the agenda for their meeting on the night of the public hearing. The date of the public hearing will also be posted on the rezoning signs currently erected on the site.

Sent from my Motorola DynaTAC 8000X

On Nov 9, 2020, at 08:50, Development Services <Development.Services@esquimalt.ca> wrote:

Hi Colin,

The owner is working on a revised design that accommodates the no build area. We are waiting for their re-submission.

Thanks.

Bill

Development Services

General Delivery Email

Township of Esquimalt | Development Services

www.esquimalt.ca

For the latest on the Township's response to COVID-19, please visit esquimalt.ca/covid19

[<imagec15c12.JPG>](#) [<imagef5a960.JPG>](#) [<imaged07e2e.PNG>](#) [<image2ca6da.JPG>](#) [<image5fbcce.JPG>](#)

This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart [<mailto:colin.mctaggart@ameliaartists.com>]
Sent: November-06-20 12:43 PM
To: Development Services
Cc: Nadia McTaggart; Alex Tang
Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

Hi Bill & Alex - I was wondering if there are any updates on RZ000058. Thanks

On Tue, Apr 7, 2020 at 9:25 AM Development Services <Development.Services@esquimalt.ca> wrote:

Hi Colin,

You are correct – Restrictive covenant 11850G does not involve the Township and is the document that you should obtain legal advice on.

Bill

Development Services
General Delivery Email
Township of Esquimalt | Development Services
www.esquimalt.ca

[<image001.jpg>](#) [<image002.jpg>](#) [<image003.png>](#) [<image004.jpg>](#) [<image005.jpg>](#)

This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart [<mailto:colin.mctaggart@ameliaartists.com>]
Sent: April-03-20 10:51 AM

To: Development Services
Cc: Nadia McTaggart; Alex Tang
Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

This is the covenant I am referring to. I've attached the documents. We've also contacted a lawyer for an opinion. I appreciate the advice thus far.

Nature: RESTRICTIVE COVENANT
Registration Number: 118510G
Registration Date and Time: 1946-05-04 10:08
Remarks: INTER ALIA
DD 118510G
APPURTENANT TO LOT 6, PLAN 4618

On Mon, Mar 23, 2020 at 1:23 PM Development Services <Development.Services@esquimalt.ca> wrote:

Hi Colin,

I just want to confirm that you are referring to Covenant EN009659. This covenant does not involve the Township. If it is a different covenant please let me know.

As for your question related to the role of the province, the Land Titles Office registers covenants on land titles, however, the province does not have to be a party to the covenant. For example, when the Township enters into a Section 219 Covenant with a land owner, the province has nothing to do with it other than they have a arms length agency, the Land Title and Survey Authority of BC (<https://www.ltsa.ca/>), that registers the covenant on title. The form of the covenant is regulated by statute and regulation. There is a whole body of law around covenants which is why the Strata Corporation needs to get legal advice. It can be very complicated. Having said that, BC has a very good land titles system that is crucial for the proper functioning of both the economy and society.

If you are interested, you could look on the copy of your title that you received when you purchased your property. I should have a Section 219 Covenant registered on it. If you look at that covenant you will see that it is between the developer and the Township. It covers issues such as the playground, garden plots, parking, and electrical plug-ins. You will also note that it remains on title even if the ownership changes. When the developer subdivided your building, a copy of the covenant was registered on each new title. Likewise, if you ever sell your townhouse, the covenant will be registered on the new owner's title.

I trust that this helps. Let me know if you have any additional questions.

Thanks

Bill

Development Services

General Delivery Email

Township of Esquimalt | Development Services

www.esquimalt.ca

<image001.jpg> <image002.jpg> <image003.png> <image004.jpg> <image005.jpg>

This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart [mailto:colin.mctaggart@ameliaartists.com]

Sent: March-23-20 12:43 PM

To: Development Services

Cc: Nadia McTaggart; Alex Tang

Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

Thank you, I will contact our lawyers. For my own clarity, is it the province that controls the covenant title?

On Mon, Mar 23, 2020 at 12:36 PM Development Services <Development.Services@esquimalt.ca> wrote:

Hello Colin,

The covenant does not involve the Township. I strongly recommend that the Strata Corporation obtain legal advice.

Thanks.

Bill

Development Services

General Delivery Email

Township of Esquimalt | Development Services

www.esquimalt.ca

<image001.jpg> <image002.jpg> <image003.png> <image004.jpg> <image005.jpg>

This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart [mailto:colin.mctaggart@ameliaartists.com]

Sent: March-23-20 12:10 PM

To: Development Services

Cc: Nadia McTaggart; Alex Tang

Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

Hi Bill & Alex - I had a quick question. As strata president, I was approached by GTMANN with some news that 610 Lampson has a covenant on the land and was asked if our strata would help them remove that covenant in return for financial compensation. I wanted to know

- Is there a do not build covenant on the front half of 610 Lampson St?

- If there is, who ultimately gets to decide if that covenant is removed.

On Thu, Feb 27, 2020 at 1:47 PM Development Services <Development.Services@esquimalt.ca> wrote:

Hi Colin,

We appreciate any comments you may have. They will be considered as we review the applicant's proposal. Sometimes people submit comments early in the process and expect them to be presented to Council at the public hearing. We cannot guarantee that this will happen, hence my comment that you may also want to submit comments at the public hearing once the design has been finalized. Ultimately, Council will make the final decision. You have an opportunity to influence their decision by providing comments at the public hearing.

The design process is very iterative. The plans we receive with an application are rarely the plans that Council will ultimately consider. When you receive your public hearing notice, it will state that you can come to the Development Services Counter to view the plans that will go to Council. The plans will also be attached to the staff report for the public hearing which is available when the agenda is published on the Friday before the public hearing. Of course you can always make an appointment with the planner managing the file to come in and look at the plans.

I hope this helps clarify things. Please do not hesitate to contact us with any further questions.

Thanks.

Bill

Development Services

General Delivery Email

Township of Esquimalt | Development Services

www.esquimalt.ca

<image001.jpg> <image002.jpg> <image003.png> <image004.jpg> <image005.jpg>

This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart [mailto:colin.mctaggart@ameliaartists.com]

Sent: February-27-20 9:54 AM

To: Development Services

Cc: Nadia McTaggart; Alex Tang

Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

Hi Bill & Alex - Thanks in advance for your help. Any feedback on the questions below?

On Mon, Feb 24, 2020 at 9:40 PM Colin McTaggart <colin.mctaggart@ameliaartists.com> wrote:

Thanks, Bill. As I'm new to this type of process I'm hoping you could help me learn more about it

- When the sign on the property says "for comments please email". What kind of comments are they looking for?

- presently there are plans listed on the Esquimalt development website. Are you inferring that further changes will be made?

Sent from my Motorola DynaTAC 8000X

On Feb 17, 2020, at 11:14, Development Services <Development.Services@esquimalt.ca> wrote:

Dear Mr. McTaggart,

Thank you for your e-mail related to the proposed development to the south of your residence. As the developer is still working on the design, the appropriate time to comment would be at the public hearing that is yet to be scheduled. Assuming that your home address is correct in the Township's tax roll, you will receive a notice in the mail with the date and time of the public hearing. You do not have to attend in person, you can simply supply written comments. If you supply written comments please send them to the e-mail or mail address on the notice so that they arrive a week before the public hearing. That way your comments will be attached to the public hearing staff report rather than submitted to Council as a late item when Council approves the agenda for their meeting on the night of the public hearing. The date of the public hearing will also be posted on the rezoning signs currently erected on the site.

Please let me know if you have any concerns with the process. Alex Tang is the file manager. His e-mail address is in the cc field above. Feel free to contact him periodically for any updates related to the public hearing date.

Thank you.

Bill

Development Services
General Delivery Email
Township of Esquimalt | Development Services
www.esquimalt.ca

[<imaged6c956.JPG>](#) [<imagedf593b.JPG>](#) [<image968b85.PNG>](#) [<image3558e1.JPG>](#) [<image38efce.J](#)

This message is intended only for the designated recipients and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient, or acting on their behalf, please notify the sender immediately and delete this e-mail from your system. Please consider the environment before printing this email.

From: Colin McTaggart [mailto:colin.mctaggart@ameliaartists.com]
Sent: February-14-20 1:53 PM
To: Development Services
Cc: Nadia McTaggart
Subject: Re: RZ000058 - Lampson and Esquimalt Rd.

February 14th, 2020

Via Email

Development Services

The Corporation of the Township of Esquimalt

1229 Esquimalt Road

Esquimalt, BC

V9A 3P1

Re: RZ000058 - Lampson and Esquimalt Rd.

My name is Colin McTaggart and with my wife Nadia McTaggart we live and own #12-618 Lampson St. We have concerns with the current development proposed for Lampson and Esquimalt rd. and would like to make them know to the Township.

We live in a 12 unit 3 storey townhome that is south facing on Lampson hill. The condo proposed to be built in front of us would be 6 stories east to west and would basically become a wall blocking our sunlight for the better part of the year. The development needs to take into account the impact it will have on the

neighbourhood and the 12 families who just purchased new south-facing homes in Esquimalt. In its current design, it does not.

I am not anti-development in our neighbourhood, it would be hypocritical, but there must be a way to bring density to the block of land in front of us without taking away our sunlight. Why does this need to be 1 building? Maybe two buildings would be better suited to the site like the Duet in James Bay.

Best Regards,

PLEASE NOTE OUR NEW ADDRESS

Colin McTaggart

Artist Management

Amelia Artists Inc.
240-730 View St.
Victoria, BC
V8W 3Y7 Canada
Office: (250) 995-2642
Cell: (250) 532-2246