



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

File 0550-06

January 4, 2012

NOTICE

**A REGULAR MEETING OF COMMITTEE OF THE WHOLE
WILL BE HELD ON MONDAY, JANUARY 9, 2012, AT 7:00
P.M., IN THE COUNCIL CHAMBERS, ESQUIMALT
MUNICIPAL HALL, 1229 ESQUIMALT ROAD.**

**ANJA NURVO
CORPORATE OFFICER**



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A **COMMITTEE OF THE WHOLE**

Monday, January 9, 2012
7:00 p.m.
Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

- (1) Minutes of the Regular Committee of the Whole, December 12, 2011 Pg. 1 – 3

5. STAFF REPORTS

Administration

- (1) Voting on Motions, Staff Report No. ADM-12-001 Pg. 4 – 5

RECOMMENDATION:

That the Committee of the Whole make a recommendation to Council in accordance with one of the Alternatives set out on page 2 of this report.

Development Services

- (2) Report on Development Permits Issued by the Director, Staff Report No. DEV-12-001 Pg. 6 – 9

RECOMMENDATION:

That the Director of Development Services continue to review and issue Development Permits for projects that fall within the scope of the work authorized by Bylaw No. 2751.

- (3) Limiting Certain Types of Commercial Businesses, Staff Report No. DEV-12-002 Pg. 10 – 12

RECOMMENDATION:

That Council direct staff to prepare the bylaws necessary to amend Zoning Bylaw No. 2050 to define “commercial use”, “cheque cashing facility”, and “financial institution” so as to prohibit additional cheque cashing businesses from locating in Esquimalt’s commercial core.

- (4) Esquimalt Village Plan [EVP] Update, Staff Report No. DEV-12-003 Pg. 13 – 33

RECOMMENDATION:

1. That this report be received for information;
2. That discussion take place around whether the site should be retained by the Township, sold outright, or developed in partnership with one or more developers;

3. That a public meeting be held prior to the official Public Hearing to convey factual information and hear concerns; and
 4. That a Public Hearing be scheduled.
- (5) Development Permit, 880-D Esquimalt Road, [Lot 2, Section 11, Esquimalt District, Plan 47946], Staff Report No. DEV-12-004 Pg. 34 – 47

RECOMMENDATION:

That the application for a Development Permit limiting the form and character of development to that shown on architectural plans provided by Graphvette Design and Drafting, stamped “Received December 5, 2011”, for the proposed tenant improvements and signage located at Lot 2, Section 11, Esquimalt District, Plan 47946 [880-D Esquimalt Road], be forwarded to Council with a **recommendation of approval**.

6. PUBLIC QUESTION AND COMMENT PERIOD

*Excluding items which are or have been the subject of a Public Hearing.
Limit of two minutes per speaker.*

7. ADJOURNMENT



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, December 12, 2011

Esquimalt Municipal Hall – Council Chambers

7:04 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Dave Hodgins, Councillor Lynda Hundleby, Councillor Robert McKie, Councillor Tim Morrison, Councillor David Schinbein

STAFF: Laurie Hurst, Chief Administrative Officer
David Ward, Fire Chief
Barbara Snyder, Director of Development Services
Scott Hartman, Director of Parks & Recreation Services
Jeff Miller, Director of Engineering & Public Works
Pat Mulcahy, Manager of Human Resources
Anja Nurvo, Manager of Corporate Services
Louise Payne, Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the meeting to order at 7:04 p.m.

2. **LATE ITEMS**

There were no late items.

3. **APPROVAL OF THE AGENDA**

MOTION: Moved by Councillor Hodgins/Councillor Hundleby:
That the Agenda be approved as circulated.

CARRIED UNANIMOUSLY.

4. **MINUTES**

(1) Minutes of the Regular Committee of the Whole, November 14, 2011

MOTION: Moved by Councillor Brame/Councillor Hundleby:
That the minutes of the Regular Committee of the Whole, November 14, 2011 be adopted as circulated.

CARRIED UNANIMOUSLY.

5. PRESENTATION

- (1) Presentation to Peter Justo, ETAG Volunteer Coordinator

Mayor Desjardins presented Peter Justo with a Volunteer Spirit Award in appreciation as ETAG Volunteer Coordinator.

6. STAFF REPORTS

Fire Rescue

- (1) Fire Protection and Control Bylaw Revision, Staff Report No. FIRE-11-008

The Fire Chief presented a brief summary of the report and Bylaw and answered questions from Council.

Council requested a summary of the changes to be posted on the municipal website along with the Bylaw.

MOTION: Moved by Councillor Hundleby/Councillor Brame:

That the Committee of the Whole refer the Fire Protection and Control Bylaw, 2011, No. 2783 to Council with a recommendation that Council give 1st, 2nd and 3rd readings to the Bylaw.

CARRIED UNANIMOUSLY.

Development Services

- (2) Rezoning Application and Development Permit, 616 Lampson Street, [Lot 5, Section 11, Esquimalt District, Plan 4618], Staff Report No. DEV-11-102

The Director of Development Services introduced the applicant and his architect who made a presentation to Council and answered questions on the application.

Council comments:

- Issue of neighbour's retaining wall to be addressed;
- Disappointment, on green building checklist, that is only a "bronze"; requested applicant to consider reviewing the energy efficiency of the proposed development in an effort to help the municipality meet its sustainability goals;
- Issue of fence height to be resolved with neighbouring property owner.

MOTION: Moved by Councillor Morrison/Councillor Hodgins:

That the application for rezoning authorizing a new single family dwelling and Development Permit, limiting the form and character of development to that shown on architectural plans provided by Keay and Associate, Architecture Ltd., stamped "Received October 25, 2011", and on the landscape plan prepared by LADR Landscape Architects, stamped "Received October 25, 2011", at 616 Lampson Street [Lot 5, Section 11, Esquimalt District, Plan 4618] be forwarded to Council with a **recommendation of approval.**

CARRIED UNANIMOUSLY.

- (3) Recommendations Regarding SAFERhomes, Staff Report No. DEV-11-104

The Director of Development Services presented a summary of the staff report and answered questions from Council. Council pointed out that the member to be appointed to the Advisory Planning Commission from the Access Awareness Committee can address the issues covered by "SAFERhomes".

MOTION: Moved by Councillor Brame/Councillor McKie:

That the Township of Esquimalt not purchase a membership in the SAFERhomes Standards Society but that staff investigate the use of universal design standards and compile a list of materials to be provided to developers and builders and discussed with applicants at the time new construction is proposed and staff to provide this information to the Access Awareness Committee representative on the Advisory Planning Commission.

CARRIED UNANIMOUSLY.

7. **PUBLIC QUESTION AND COMMENT PERIOD**

Terry Prentice, resident, thanked Mayor and Council for posting the Committee of the Whole Council Agenda package on the municipal website. He requested that the administration office take the next step and compile a list of people interested in receiving notice of postings of Agenda packages on the municipal website.

8. **ADJOURNMENT**

MOTION: Moved by Councillor Hundleby/Councillor Hodgins:

That the Regular Committee of the Whole Meeting of December 12, 2011 be adjourned at 7:47 p.m.

CARRIED UNANIMOUSLY.

CERTIFIED CORRECT:

ANJA NURVO
CORPORATE OFFICER

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF JANUARY, 2012



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: January 9, 2012

STAFF REPORT

DATE: January 4, 2012 Report No. ADM-12-001
TO: Laurie Hurst, Chief Administrative Officer
FROM: Anja Nurvo, Manager of Corporate Services
SUBJECT: VOTING ON MOTIONS

RECOMMENDATION:

That the Committee of the Whole make a recommendation to Council in accordance with one of the Alternatives set out on page 2 of this report.

BACKGROUND:

At the Special Council meeting on December 12th, 2011, the Mayor requested Council's vote on an issue and asked "Is there anyone opposed?" There was some discussion by Council on this proposed change in procedure. The Mayor stated that this matter should be brought back to Council for further discussion.

ISSUES:

Staff has conducted some research into this issue, and offer the following for consideration by the Committee of the Whole.

In his text "Mina's Guide to Minute Taking", Eli Mina makes the following statements:

"Routine and non-controversial decisions do not require formal motions. They may be made by unanimous consent. The Chair asks, "*Is there any objection to _____?*" If there is no objection, the Chair then directs that the action be taken. The principle is: if there is no objection, there is acquiescence and therefore unanimous consent. However, if there is even one objection, the Chair resorts to a more formal procedure and may need to take a formal vote on the matter.

Unanimous consent is not appropriate when voting on main motions or resolutions, nor is it appropriate for any contentious procedural decisions. In such instances, formal motions and formal votes may be required to allow for differences of opinion."

In a previous email in 2009 from staff to the Mayor, applicable to this issue, staff refers to a conversation with Eli Mina on calling for "opposed" votes first when calling the question in a meeting. It states that Mr. Mina's comments included: that it sends a negative message; it is technically incorrect; and Council was elected to vote on matters and even if a Council member knows they will be outvoted by an overwhelming margin, if they do not support a motion they still have a moral obligation to vote against it even if the affirmative vote means the motion has already passed.

The Council Procedure Bylaw No. 2715, 2009, contains the following clauses:

Voting at meetings

18(1) The following procedures apply to voting at Council meetings:

- (b) when the Council is ready to vote, the presiding member must put the matter to a vote by stating:
"Each member in favour raise your hand" and then "Each member opposed raise your hand."
- (f) whenever a vote of Council on a matter is taken, each member present shall signify their vote by raising their hand;
- (h) whenever a vote of Council on a matter is taken, the vote of each Councillor shall be recorded in the affirmative or negative;
- (i) when the vote of Council is carried with all Councillors voting in the affirmative, the motion shall be recorded as "carried unanimously."


The *Community Charter* is silent on this issue, and simply states in Section 124(1) that councils must by bylaw establish the general procedures to be followed in conducting their business. Section 124(3) states that a bylaw under this section must not be amended unless the council first gives notice of the proposed changes in accordance with Section 94 (public notice).

If Council is in agreement that the manner of calling for votes should be revised to ask firstly "is there anyone opposed", then the mandatory public notice must first be given and the proposed changes to the Council Procedure Bylaw would need to be prepared by staff for Council's consideration.

ALTERNATIVES:

1. The Committee of the Whole may recommend to Council that it continue to vote on motions in the manner set out in the Council Procedure Bylaw No. 2715, 2009.
2. The Committee of the Whole may recommend to Council that it direct staff to prepare the required public notices and proposed amendments to Section 18(1) of the Council Procedure Bylaw No. 2715, 2009 in order to change the manner of voting on motions to call for "opposed" votes first when calling the question, for Council's consideration.


Anja Nurvo
Manager of Corporate Services

Approved for Council's consideration:  Laurie Hurst, CAO Dated: Jan 4/11



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Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

Committee of the Whole: January 9, 2012

STAFF REPORT

DATE: December 29, 2012 Report No. DEV-12-001
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: REPORT ON DEVELOPMENT PERMITS ISSUED BY THE DIRECTOR

RECOMMENDATION:

That the Director of Development Services continue to review and issue Development Permits for projects that fall within the scope of the work authorized by Bylaw No. 2751 [copy attached].

BACKGROUND:

Development Permits, controlling exterior form and character, are required for any new multiple family residential, commercial or industrial buildings. Once a development permit is approved, it is registered on the property title and remains in effect for the life of the building. Subsequent changes to the appearance of the building require a new development permit.

In November 2010, Council approved the delegation of authority, for the issuance of Development Permits for existing buildings where the proposed changes would not affect the overall intent of the original permit associated with the property, to the Director of Development Services.

The purpose of delegating this authority was to speed up the approval process for permits related to the upgrading of existing buildings thereby making the process less cumbersome for property owners and encouraging improvements to the municipality's multi-family housing stock and business premises.

Items authorized for approval by the Director of Development Services are:

- replacement of existing windows with more energy efficient types or more attractive styles;
- replacement of existing doors with more attractive or more efficient types;
- replacement of balcony railings and panels [e.g. substitution of wooden railings with metal or vice versa; substitution of glass for wood panels];
- repairs to the building envelope resulting in new siding to replace stucco or a combination of siding and stucco;
- replacement of vinyl siding with wood or cementitious siding;
- replacement of stairs and landings, if no variances are required;
- changes of colour schemes to reflect current trends;
- addition of doors or windows in industrial buildings;

- addition of security doors on garages in multiple family buildings;
- replacement of elevators in older multiple family buildings which may change the appearance of the roofline;
- addition of signage on commercial or industrial buildings provided it complies with the Sign Bylaw.

Staff were directed to return a report to Council after one year to determine how the new process was working.

Since November 2010, eight Development Permits have been approved all of which were for changes to the appearance of existing apartment buildings. Property owners seem to be pleased that their permits can be dealt with quickly and without going through Council and Committees.

ISSUES:

None

ALTERNATIVES:

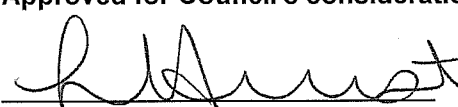
1. Continue to allow the Director of Development Services to evaluate and approve Development Permits for projects that fall within the scope of Bylaw No. 2751.
2. Revert back to the previous process of having all Development Permits, regardless of the scope of the work, go through the regular approval process.

Alternative No. 1 is recommended.

Respectfully submitted,



Barbara Snyder
Director of Development Services

<p>Approved for Council's consideration:</p>  <p>Laurie Hurst, CAO</p> <p>Dated: <u>Jan 4/11</u></p>

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2751

A Bylaw to Delegate Authority for Selected Development Permits

WHEREAS

- A. Certain types of Development Permits or amendments to existing Development Permits are minor in nature and regulate only the exterior appearance of buildings not their use or density;
- B. Those types of Development Permits or amendments to existing Development Permits although minor in nature require several months to process;
- C. Section 154.(1)(b) of the *Community Charter* authorizes a council to delegate some of its powers, by bylaw, to an officer or employee of the municipality;

AND WHEREAS the Township of Esquimalt deems it desirable to allow Development Permits or amendments to Development Permits regulating the exterior appearance of multi-unit residential, commercial, industrial buildings and enhanced design control residential properties to be processed more quickly;

NOW THEREFORE, The Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. **TITLE**

This bylaw may be cited as the "*DELEGATION OF AUTHORITY FOR SELECTED DEVELOPMENT PERMITS BYLAW, 2010, NO. 2751*".

2. **DEFINITIONS**

In this Bylaw;

COUNCIL - means the Council of the Corporation of the Township of Esquimalt.

DIRECTOR – means the Township of Esquimalt's Director of Development Services.

DEVELOPMENT PERMIT - means a permit controlling the form and character of development for multi-unit residential, commercial, industrial or enhanced design control residential properties as identified in Schedule C and regulated by Sections 9.3, 9.4, 9.5, and 9.7 of the Esquimalt Official Community Plan Bylaw No. 2646

SELECTED DEVELOPMENT PERMIT - means any of the following:

- a) replacement of existing windows with more energy efficient types or more attractive styles;
- b) replacement of existing doors with more attractive or more efficient types;
- c) replacement of balcony railings and panels with those of different materials or combinations of materials;
- d) repairs to the building envelopes resulting in new siding materials;
- e) replacement of stairs and landings, if no variances are required;
- f) changes of colour schemes to reflect current trends;
- g) addition of new doors or windows in industrial buildings;
- h) addition of security doors on garages in multi-unit residential buildings;
- i) replacement of elevators in older multiple family buildings where the replacement may slightly change the appearance of the roofline;
- j) addition of signage on commercial or industrial buildings provided it complies with the terms of the Sign Bylaw.

3. APPLICATION


Development Permits or amendments to existing Development Permits for multi-unit residential, commercial, industrial or enhanced design residential properties which meet the criteria of Selected Development Permit and do not involve a variance, may be approved by the Director of Development Services.

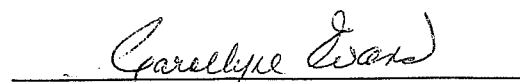
READ a first time by the Municipal Council on the 6th day of December, 2010.

READ a second time by the Municipal Council on the 6th day of December, 2010.

READ a third time by the Municipal Council on the 6th day of December, 2010.

ADOPTED by the Municipal Council on the 13th day of December, 2010.


BARBARA DESJARDINS
MAYOR


CAROLLYNE EVANS
CORPORATE ADMINISTRATOR



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: January 9, 2012

STAFF REPORT

DATE: December 30, 2011 Report No. DEV-12-002
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: **LIMITING CERTAIN TYPES OF COMMERCIAL BUSINESSES**

RECOMMENDATION:

1. That Council direct staff to prepare the bylaws necessary to amend Zoning Bylaw No. 2050 to define "commercial use", "cheque cashing facility", and "financial institution" so as to prohibit additional cheque cashing businesses from locating in Esquimalt's commercial core.

BACKGROUND:

During the recent consideration of an application for a Development Permit for a new business providing loans, cheque cashing and other financial services, Council questioned whether there should be a limit on the number of these businesses [Esquimalt currently has 5] or whether they could be prohibited. Staff was directed to provide a report on possible means of limiting certain types of businesses and encouraging others to create a more diverse commercial retail sector in Esquimalt.

Several smaller communities in BC which have developed diverse commercial cores that are attractive to local shoppers and tourists were consulted to see how they attract unique retail businesses and how they have restricted money marts and fast food restaurants. The municipalities contacted were: Tofino, Qualicum, Sidney, Ladysmith, Langley [city and township] and Abbotsford.

Some of the ideas gained from that research are:

- Township of Langley limited cheque cashing facilities by altering their definition of "commercial use" in their Zoning Bylaw to exclude them and adding a definition of "cheque cashing facility".

***Commercial Use** means the retail sale of goods and services, servicing and repair of goods, offices, medical clinic, veterinary clinics, restaurants, financial institutions, education, recreation, entertainment and instruction uses. Excludes a highway commercial use, medical marijuana dispensary use, amusement machines unless accessory to a permitted use, arcades, pool halls, service stations, gas bars, vehicle servicing, vehicle repair shops, vehicle storage*

compounds, vehicle body shops, wrecking and salvaging yards, and uses that are primarily manufacturing and warehousing, and casino halls, pawnbrokers, tattoo shop and cheque cashing facilities. Includes a U-Brew, "Food Primary Use" where licensed as a Food Primary Use by the Liquor Control Licensing Branch in accordance with the Liquor Control Licensing Act and Regulations.

Cheque Cashing Facilities means a business other than a bank or credit union regulated under the Financial Institutions Act or the Bank Act that cashes cheques for a fee or for less than the face value of the cheque.

- City of Langley made a similar distinction between banks and cheque cashing businesses. They also created a Specific Commercial Zone – C3 which permits a cheque-cashing business provided that it is located within a shopping centre and customer access to and from the premises is restricted to the enclosed pedestrian mall. This avoids having the cheque cashing facility fronting on the street.

Current licensed cheque cashing businesses in other commercial zones are now non-conforming and new cheque-cashing businesses are only able to locate within the C3 – Specific Commercial Zone.

- Tofino also defines a Financial Institution in their Zoning Bylaw,

Financial Institution means a bank, credit union, acceptance corporation, trust company, finance company or similar establishments, but excludes a stand-alone bank machine.

Within the Core Commercial District, which is oriented to the hospitality industry/tourism, Tofino does not allow drive-in restaurants. The Official Community Plan encourages locally owned small businesses but discourages large format retail chains and fast food chains.

- Ladysmith does not allow drive-thru restaurants in the downtown area and this has prevented A & W moving from their highway location to the downtown. Ladysmith does have a 'cash store' in the downtown area but required them to tone down their corporate colours and decrease the size of their signs to comply with the town's heritage theme.

Ladysmith also has a Revitalization Tax Exemption program for their downtown. When businesses make physical improvements, they are taxed at the pre-improvement value for up to ten years.

- Qualicum has successfully restricted fast food outlets by requiring that every restaurant provide table service [i.e. is serviced by waiters]. Their definition of restaurant is

Restaurant means an eating establishment providing only for the sale of unpackaged prepared foods and beverages which are consumed on the premises and which provide table service to customers seated in the premises, specifically excludes neighbourhood pubs and fast food outlets.

This restaurant definition would also prohibit pizza outlets where the food is produced on site but is not consumed on the premises.

- Sidney restricts the type of businesses that can locate on Beacon Avenue [the main

commercial street]. Offices [with the exception of real estate firms], child care facilities, and adult education facilities are prohibited on the first storey of a building abutting Beacon Ave. This ensures that the streetscape is composed of retail shops and services. Fast food restaurants are permitted but they cannot have drive-thru service.

Sidney also has detailed Development Permit guidelines for their Downtown, West Sidney and Neighbourhood commercial areas.

- Central Saanich has recently undertaken improvements to the Brentwood Bay community on West Saanich Road. The project included enhanced sidewalks, bike lanes, a roundabout and extensive lighting and landscaping in the main commercial area. These are similar to the improvements Esquimalt made several years ago to the downtown core [1100 – 1200 blocks of Esquimalt Road] and the Head/Esquimalt commercial area.

Central Saanich has also established strict design guidelines for new and existing businesses in Brentwood Bay which have resulted in several existing commercial premises changing their colour schemes to create a more modern look.

- Abbotsford has excluded cheque cashing facilities from the C7-Downtown Zone in response to concerns of the merchants and city.

ISSUES:

Grandfathered Businesses: If Esquimalt made changes to the Zoning Bylaw to define and exclude cheque cashing facilities, fast food or drive-thru restaurants, the existing businesses would be able to continue indefinitely as they would be “non-conforming” and protected by Section 911 of the *Local Government Act*. However, it is still worth considering limiting cheque cashing businesses as there are two other chains which are not yet located in Esquimalt.

ALTERNATIVES:

1. Amend Zoning Bylaw No. 2050 to define “commercial use”, “cheque cashing facility”, and “financial institution” so as to prohibit additional cheque cashing businesses locating in Esquimalt.
2. Do nothing and let the market decide what types of businesses, including cheque cashing facilities, will locate in Esquimalt’s commercial areas.

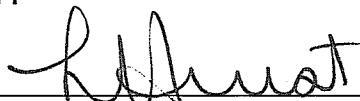
Alternative No. 1 is recommended.

Respectfully submitted,



Barbara Snyder
Director of Development Services

Approved for Council’s consideration:


Laurie Hurst, CAO

Dated: Jan 4/11



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: January 9, 2012

STAFF REPORT

DATE: December 29th, 2011 Report No. DEV-12-003
TO: Laurie Hurst, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
SUBJECT: Esquimalt Village Plan [EVP] Update

RECOMMENDATIONS:

1. That this report be received for information;
2. That discussion take place around whether the site should be retained by the Township, sold outright, or developed in partnership with one or more developers;
3. That a public meeting be held prior to the official Public Hearing to convey factual information and hear concerns; and
4. That a Public Hearing be scheduled.

BACKGROUND:

The Esquimalt Village Project (EVP) is a comprehensive plan focused on the long-term development of Esquimalt's town core. The original objectives were to:

- Create a lively and sustainable town centre with a mix of uses;
- Revitalize Esquimalt's town core and enhance economic development, while providing residents with a wider range of amenities and services;
- Capitalize on and enhance the value of public and private assets in the core;
- Enhance sustainability of municipal facilities and infrastructure.

The EVP consultant team commenced work with the municipality in the spring of 2007 with an intensive program of community consultation seeking public input on the future of the town core. The initial scope of the project included a broader core area extending from Esquimalt Road south to Lyall Street and from Joffre Street west to Comerford Street.

Community consultation took place through 2007 and 2008 as various options for "the village" were considered. In June 2009, it was decided that the project should be split into phases and that options be developed for Phase 1 only, i.e. the site of the old municipal hall and old public works yard. Options for Phase 1 were presented to Council in October 2009 and at an Open House in November 2009.

Community feedback from that Open House indicated:

- Strong support for **mixed-use concept** and revitalization
- Strong support for an **enhanced Town Square** fronting on Esquimalt Road
- General preference for Option 2, which integrates **civic use** within one of the mixed-use buildings
- General support for the **form, density and height of development** - some would prefer lower buildings while others encourage consideration of higher buildings.
- Strong support to see the project **move forward**.

Further refinement and financial analysis of the Phase 1 plan was completed over the winter of 2009/10 and a preferred option was presented at a Public Open House in July 2010. That presentation included:

- drawings showing the site concept and public realm enhancements;
- architectural drawings indicating the building massing;
- a preliminary set of design guidelines for both the buildings and the public realm; and
- computer modelling which allowed interactive viewing of the proposed buildings relative to other buildings in the neighbourhood.

The following key themes emerged from the public input:

- In general, support for the concept as the first phase of the Esquimalt Village, including the mix of uses, revitalized public realm and increased housing choices for Esquimalt residents.
- Support for the proposed new town square, with specific feedback around incorporating naturalized / native plantings surrounding the retained Garry Oaks and ensuring the design will create an active and vibrant public gathering space.
- Some concern was demonstrated about the relationship between the proposed development and the existing single-family residences along the south side of Carlisle Avenue.

The highlights of the Concept for Phase 1 were:

- Commercial / retail at grade along Esquimalt Road to create a pedestrian-friendly "high street".
- Residential development above ground level to provide a range of housing types within the Village Core.
- Relocation of the Town Square giving it direct frontage on Esquimalt Road for increased visibility and public use.
- Redevelopment of Thornton Walk to create a pedestrian-scaled walkway through the development, and a potential link with Memorial Park to the north.
- Sailors' Walk, the Totem Pole, and Memorials to be retained and incorporated within the public realm.
- Inclusion of civic space within one of the buildings for potential future municipal or community use
- Underground parking to serve new development and to replace existing surface parking.

Bylaw No. 2756 would amend the Official Community Plan to create a new Development Permit Area [DPA No. 6] including Guidelines for buildings and the public realm. Lands within Phase 1 of the EVP would be designated as part of that DPA. The intent of this DPA is to ensure that the eventual development of these lands is consistent with the EVP concept plan.

Bylaw No. 2757 would amend the Zoning Bylaw by adding a new zone - Esquimalt Village – Mixed Use Multiple Residential [RM-EVP], to accommodate high density Mixed Use Apartment, Commercial and Institutional development and this zoning would apply to the lands within Phase 1 of the EVP. This zone would have a specific list of permitted uses and would specify a maximum building height, maximum lot coverage, maximum floor area ratio, as well as required setbacks and off-street parking requirements. Copies of both bylaws are attached for reference.

A Public Hearing to consider these two bylaws was held on May 16th, 2011. In June, the Council of the day decided that this project should be put to an alternative vote [referendum] to gain a better understanding of public opinion on the proposed plan. The question on the November 2011 ballot was

*“Are you in favour of the Township of Esquimalt adopting amendments to the Official Community Plan Bylaw No. 2646 and Zoning Bylaw No. 2050 that would facilitate development of Phase One of the Esquimalt Village Plan which would include a mix of residential, commercial and civic uses in two buildings, one of which may be up to 12 storeys in height, on the site of the old municipal hall and old public works yard?
Yes or No ?”*

The result of the November vote was: **Yes** (1,510) **No** (690)

Prior to the Public Hearing, there had been a combined total of 19 meetings of Council, Committee of the Whole, and Advisory Planning Committee at which the EVP was discussed as well as 5 open houses specific to the EVP. There was also a presentation to the Chamber of Commerce.

ISSUES:

Parking:

Public comments around the proposed Village development identified several concerns regarding parking.

1. Is the amount of parking being provided sufficient for the proposed number of residents or will the owners and occupiers actually park on the street?
2. Is the amount of parking proposed sufficient for the commercial uses envisaged for this development and will customers and clients use the available underground parking or will they prefer to look for on-street parking?
3. Will there be sufficient above ground parking for users of the library and visitors to the Municipal Hall?

While underground parking would be a new concept for Esquimalt, this is how parking is accommodated in most residential, commercial and civic buildings in urban areas. The number of spaces being provided underground is 180 on each of the two levels for a total of 360. The amount of commercial space proposed is 1200 m² which would require 48 spaces and the 2000 m² of civic space would require another 80 spaces. This leaves 242 spaces for the residential units and residential visitor parking. Additional spaces would be retained above ground for use by visitors parking for short periods of time while doing business at the municipal hall or library.

The exact number of units has not yet been determined as this would be up to the developer but 17,000 m² of gross floor area has been allocated for residential use. Approximately 15,200 m²

would actually be residential units with the remainder being hallways, elevators, stairwells, lobbies and storage space. At least one parking space must be available for each residential unit.

Scale of Development:

Concerns have been expressed over the height of the proposed buildings, amount of green space, respect for existing memorials on the site and the future of the playground adjacent to the Town Square.

1. Some residents have voiced concern that 8 and 12 storey towers do not create a "village" atmosphere and that buildings of this height would seriously impact the owners and residents of nearby single family homes and duplexes.
2. There is also a concern whether the municipality could absorb this many residential units at one time [approximately 180 – 200 units] and whether developers would be prepared to build at this scale.
3. There have also been concerns that although the proposed development provides for a relocated Town Square, there will be a loss of green space and the playground will be lost.
4. There are also concerns that the setbacks between the buildings and from property lines will result in a density that is not compatible with the existing neighbourhood.

Although development of this site will affect the surrounding area, especially during construction, the form and massing of the proposed buildings have been carefully designed to create a transition from the present single family and duplex land uses on the south side of Carlisle to the higher density multi-family uses on the north side of the street. The portion of the building closest to Carlisle Street will be two storeys in height and will step up two floors at a time to the maximum height of 12 storeys in the centre of the site.

The south side of Carlisle Street has been designated for multiple family residential development since the 1988 Official Community Plan was adopted. The current OCP, adopted in 2007, envisions multi-unit low-rise buildings of up to four storeys on the south side of Carlisle.

As this property has not yet been offered for sale or lease, it is difficult to know whether developers would be interested in building to the allowable capacity. However, informal discussions have taken place with several potential developers and there does seem to be some interest. Given the current real estate market, interest may not be as high as it was when planning for the EVP began.

Ownership of the Land:

At the time of the last public hearing, Council had not decided whether the land would continue to be publically owned [i.e. by the Township] or sold or developed in partnership with one or more private interests. It is recommended that more discussion occur on this issue as many people had the mistaken idea that a developer had already acquired an interest in the land and the rezoning was being done to accommodate them.

1. Is the land to be sold to a private developer and developed in accordance with the terms of amending bylaws No. 2756 and No. 2757 and the established design guidelines?
2. Will the Township retain ownership and enter into a partnership with one or more developers to realize the development?
3. Will the Township lease the land to one or more developers?

Whichever option is selected, once the amending bylaws have been passed, the development will be limited by the terms of Bylaw No. 2756 and Bylaw No. 2757 and by the new Design Guidelines.

ALTERNATIVES:

1. Hold the required second public hearing for Bylaw No. 2756 which would amend the Official Community Plan and Bylaw No. 2757 which would amend the Zoning Bylaw and make a final decision to approve or deny them.
2. Defer adoption of the amending bylaws and re-evaluate the Village concept with additional public consultation and revise plans if necessary.
3. Not proceed with adoption of the amending bylaws and start over with a new plan to develop vacant land within the downtown core.
4. Not proceed with adoption of the amending bylaws and abandon the idea of an Esquimalt Village.

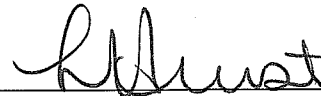
Alternative No. 1, that the amending bylaws be forwarded to a new public hearing and given final consideration, is recommended. However, it is also recommended that further discussion surrounding the sale or retention of the land occur before the Hearing and that a public information meeting be held before the required Public Hearing.

Respectfully submitted,



Barbara Snyder
Director of Development Services

Approved for Council's consideration:



Laurie Hurst, CAO

Dated: Jan 4/11

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2756

A Bylaw to amend Bylaw No. 2646, cited as the
"Official Community Plan Bylaw, 2006, No. 2646"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

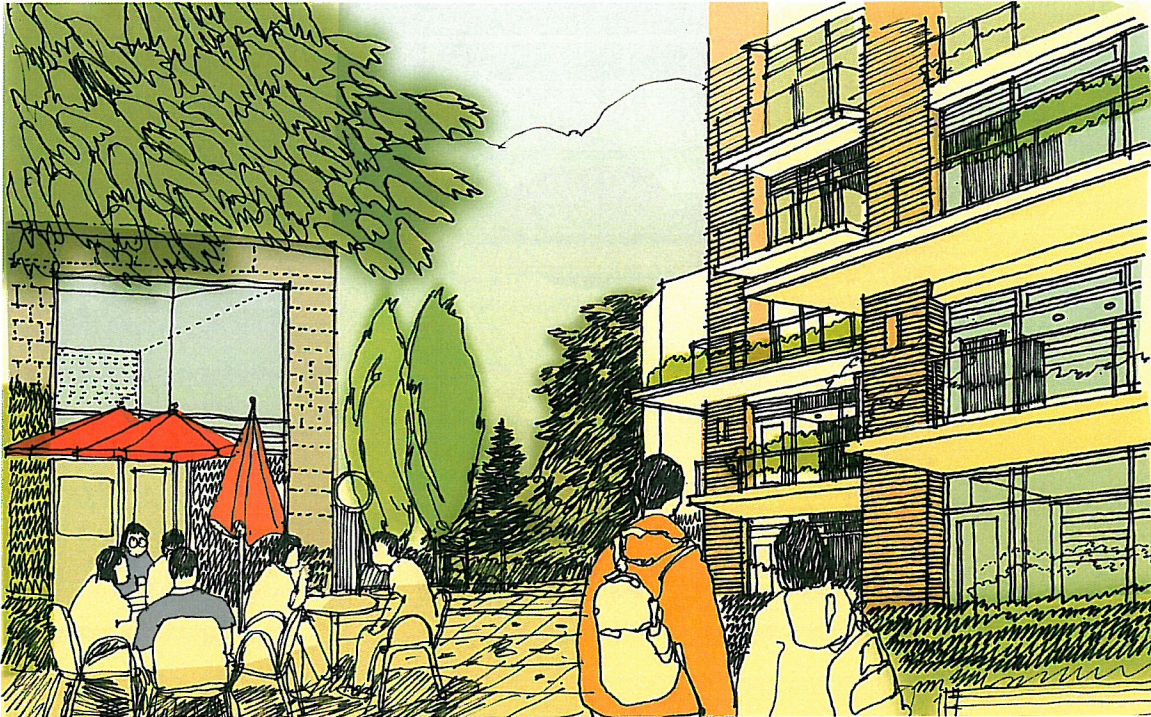
1. This bylaw may be cited as the "*OFFICIAL COMMUNITY PLAN BYLAW, 2006, NO. 2646, AMENDMENT BYLAW [NO. 10], 2011, NO. 2756*".
2. That Bylaw No. 2646, cited as the "Official Community Plan Bylaw, 2006, No. 2646" be amended as follows:

(1) by adding the following words and figures to Section 2.1 – Land Use Designations:

Esquimalt Village Mixed Use Multiple Residential applies in a specific area of "Commercial Area 1 – Esquimalt Village" only.

(2) by adding the following words and figures as Section 9.10, immediately following Section 9.9

9.10 ESQUIMALT VILLAGE – MIXED USE MULTIPLE RESIDENTIAL DEVELOPMENT PERMIT AREA No. 6



9.10.1 Scope

All land designated Esquimalt Village – Phase 1 on Schedule "C" are part of DPA No. 6

9.10.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character of commercial or multi-family residential development.

Section 919(1)(h) of the *Local Government Act* – promote energy conservation.

Section 919(1)(i) of the *Local Government Act* – promote water conservation.

Section 919(1)(j) of the *Local Government Act* – promote the reduction of greenhouse gas emissions.

9.10.3 Justification

The Township of Esquimalt encourages the revitalization of the Esquimalt Village through the introduction of mixed use multiple residential development on the former Municipal Hall site (Phase 1 of the Esquimalt Village Project). The design and form of the mixed use development is intended to create a pedestrian-oriented “high street” along Esquimalt Road, with a new public plaza anchoring the project and bringing civic use and activity to the streetscape. Civic use space is incorporated into the plan to contribute to the established civic core around the Municipal Hall and Public Library site.

The plan encourages high-quality residential development through building design that responds to the site conditions, reflects best practices in sustainable development and is compatible with surrounding uses.

The goals for Development Permit Area No. 6 are:

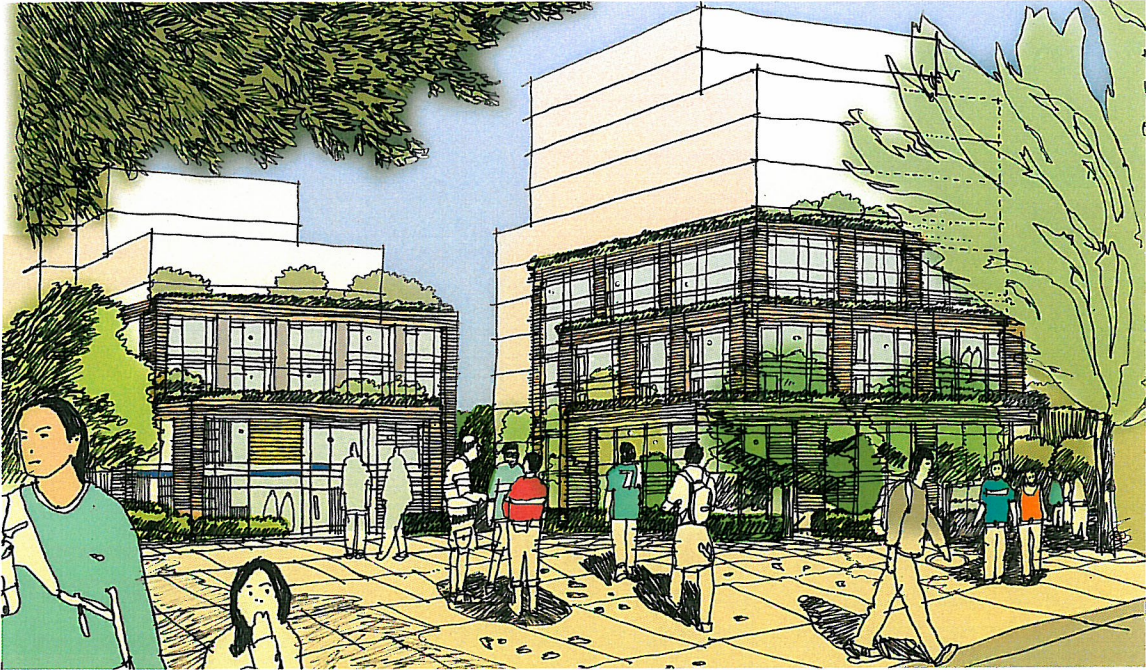
- a) To enhance the aesthetic image of Esquimalt’s Village area through high-quality building and public realm design and development;
- b) To revitalize the former Municipal Hall lands and contribute to the commercial viability and civic vibrancy of the Village;
- c) To relocate the existing Town Square to a new location with frontage on Esquimalt Road;
- d) To encourage integrated mixed use development including residential, civic and commercial uses in the project area;
- e) To encourage growth in the tax base through diversified commercial and high-quality residential development; and,
- f) To implement sustainable development strategies to demonstrate best practices in energy conservation, water conservation and the reduction of greenhouse gas emissions.

9.10.4 Requirements of Owners of Land within the Development Permit Area

- a) Owners of land within Development Permit Area No. 6 must not do any of the following without first obtaining a Development Permit in accordance with the guidelines for this Development Permit Area:
 - i. subdivide lands; or
 - ii. construct or alter a building or structure.
- b) Exemptions:

The following do not require a development permit:

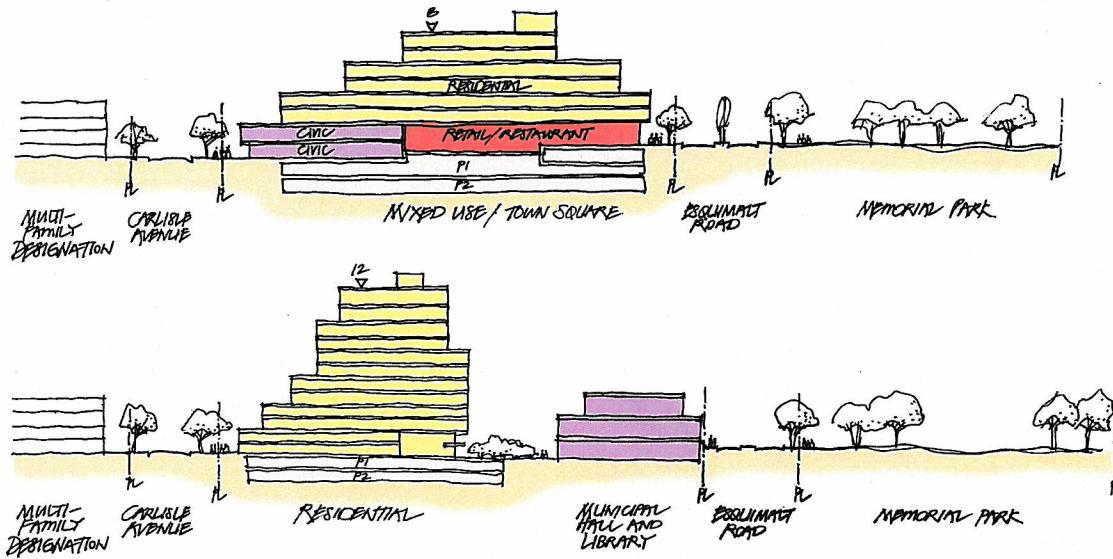
 - i. emergency repairs to existing structures and public walkways where a potential safety hazard exists;
 - ii. the cutting of trees as permitted upon application under the municipal tree protection bylaw; and
 - iii. placement of signs less than 1.5 square metres in area.



9.10.5 Guidelines for Owners of Land within the Development Permit Area



Development Plan



Sections

1. Guidelines for Buildings



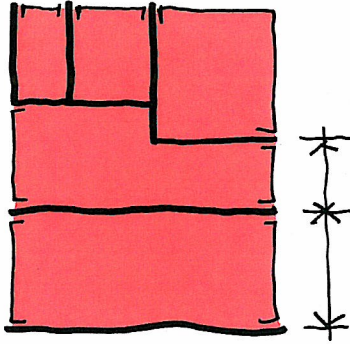
a) Mixed-Use

To ensure vitality and diversity in the civic core a mix of uses should be accommodated in new development.

- Retail, restaurant and civic use shall be located on the ground floor
- Civic and office use may be located on a second floor
- Residential use may be located on all floors, except where retail use is required.

b) Esquimalt High Street

To support the concept of a shopping "high street" along Esquimalt Road, retail and/or restaurant use shall be located in new development along this frontage on the ground floor.



c) Small-scale Commercial Frontages

To increase the diversity of retail and restaurant offerings in the civic core, it is preferable to have several smaller tenants as opposed to a single, large commercial use on the site.



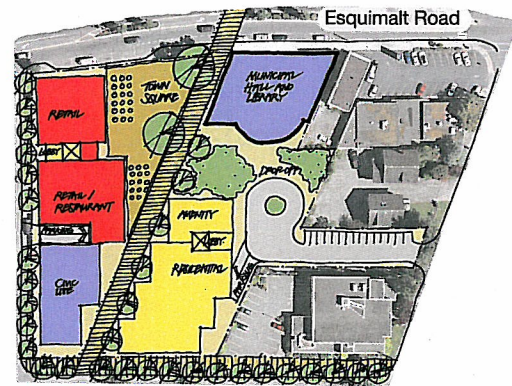
d) Storefront Transparency

The visibility into stores should be maximized with large glass areas, unobstructed by posters, vending machines, graphics or the back of interior display cases. Storefronts should exhibit a high quality of design and diversity in character.



e) Private Outdoor Space

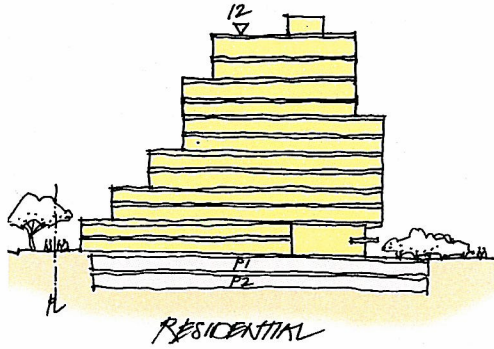
All Residential units should be provided with private outdoor space. This space can take the form of a balcony, deck or garden patio. Where the space is located on the ground level, patios should be provided with adequate screening to afford privacy for the residents.



f) Building Setback

Buildings shall be setback from the existing property lines to accommodate sidewalk widening. Required setbacks are:

- 2 metres on Esquimalt Road
- 2 metres on Park Place
- 5 metres on Carlisle Avenue
- 5 metres from a Side Lot Line



g) Building Height

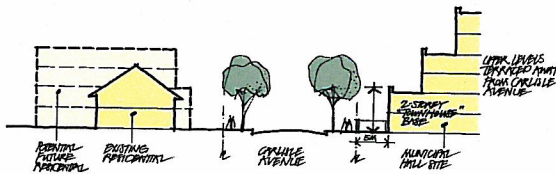
The maximum height of buildings on this site is defined as follows:

- The west building, facing Esquimalt Road and Park Place, shall be a maximum of seven storeys measured above Esquimalt Road, and eight storeys above Carlisle Avenue.
- The east building, facing Carlisle Avenue, shall be a maximum of 12 storeys measured above Carlisle Avenue.



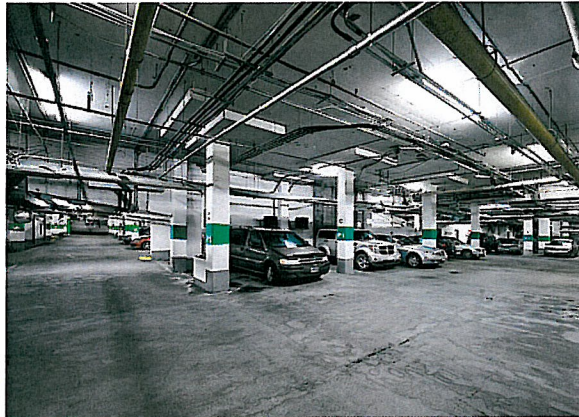
h) Building Gradient

Within the stated height guidelines, buildings shall be setback and/or terraced to soften their relationship to Esquimalt Road and Carlisle Avenue. Terracing is not required along Park Place. The cross section contained within this document provides a suggested approach towards achieving this building gradient guideline. Specific designs will be reviewed in the context of this proposed strategy.



i) Neighbourhood Scale

In order to provide an appropriate fit along Carlisle Avenue, the east residential block shall have a two-storey element that projects at its base to reflect the scale of the existing housing on the south side of Carlisle. Through time, and in keeping with existing zoning, the south side of Carlisle may redevelop as four-storey development. At such time, it too could be developed with a projecting two-storey element thereby maintaining a neighbourly scale along the street.



j) Underground Parking

All parking shall be located underground and will include sufficient spaces for the Municipal Hall functions. The exception will be convenience surface parking to serve the Municipal Hall and Public Library proposed within the lane space to the east of the site.



k) Parking Entrances

Entrances to underground parking may be located from the east lane or from Park Place, or both. Parking entrance access to underground parking shall be perpendicular to streets or lanes. Ramps should be concealed within the envelope of the building and should make use of overhead doors, overhead trellises and landscaping to soften their appearance.



l) Thornton Walk Frontages

The success of Thornton Walk as a public space will depend upon the quality and character of its edges. Where possible, retail and restaurant use should open onto the walk. The proposed civic space should also access Thornton Walk. Where residential use abuts the walk, the building shall be set back with garden patios, a minimum of 3.0 metres deep, fronting onto the walk with appropriate screening and patio gates. The minimum width of the Thornton Walk right-of-way shall be 6.0 metres.



m) Architectural Character

The design of buildings should be contemporary and bold, exhibiting large glass areas to take advantage of the harbour and distant views. Acceptable exterior materials include concrete, brick, wood, cementitious, and metal panel products. Stucco, vinyl and aluminum siding are not acceptable materials in the Village Core.



n) Sustainable Design

Sustainable planning and design is a cornerstone of the Esquimalt Village Core project. New buildings and landscapes shall include environmental and green building design strategies that are at least equivalent to a LEED Silver standard.

o) Commercial Signage



Hanging Signs

- *Minimum clearance of 2.75 metres from grade*
- *Maximum area of 0.5 square metres*
- *One per tenant except for a corner space which can have two.*



Fascia Signs

- *Individual letter type only*
- *Flat or three-dimensional lettering*
- *Maximum height 200 millimeters*
- *Neon or halo-type rear illumination, or front illumination*
- *Backlit, plastic fascia sign boxes are not permitted*



Awning Signs

- *Graphics to be located on awning skirts only*
- *Maximum 300 millimeters in depth*
- *Painted or vinyl applied lettering*
- *No rear lighting under awnings*
- *No signage or graphic material on sloped surfaces*



Window Signs

- *Maximum area of 0.5 square metres*
- *No backlit signs, displays or vending machines*
- *Neon is acceptable*



Interpretive Signage

- History of the area
- Sustainable features
- Free standing, 900mm high



p) Residential Signage

Residential identification signage shall be placed close to the ground, in a horizontal format, either freestanding or embedded in a building or landscaping wall. This signage shall be limited to identifying the project name, project logo and street address.

2. Guidelines for the Public Realm

The goal of the following guidelines for Development Permit Area No. 6 is to ensure that the privately owned, publically accessible portions of the site are designed and implemented in a manner which ensures the municipal precinct in Esquimalt is given its own unique identity. The specific plantings, hardscape and construction materials identified are strongly recommended to realize this vision. Developers are also encouraged to consider the installation of public art consistent with the *Esquimalt Public Art Policy* to further enhance the public realm and contribute to municipal precinct's sense of place.



a) Required Components

There are three required components in the development of the public realm:

- The Town Square fronting onto Esquimalt Road, with an approximate area of 900m²;
- Thornton Walk, cutting diagonally through the site in a north-south direction; and,
- The Greenway to be developed along the north side of Carlisle Avenue.

In addition to these three components, streetscape improvements will be required on Esquimalt Road and Park Place, as well as on- site landscaping.

b) Retention of Esquimalt Memorials

- The memorial dedicated to the HMCS Esquimalt shall be retained in its current location;
- The remaining Esquimalt memorials shall be retained in their current locations unless they can be moved to an equally significant and enhanced site.

c) Character of the Public Realm

The Civic Precinct in Esquimalt Village should have its own identity: an elegant and understated character. The curve of the municipal hall building to the east informs the shape of many of the landscape design elements and materials found in the following guidelines.

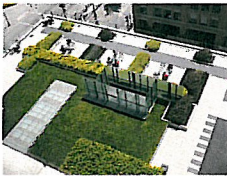
d) Accessibility

Universal accessibility will be addressed by ensuring all walkways are less than a 5% slope.

e) Paving

The paving materials should be consistent throughout the precinct, as per the following:

- Pedestrian surfaces to be permeable paving.
- Field to be cast in place concrete, saw cut for patterning, and generally in rectangular modules larger than 2' x 4'.
- Patterning to be created by contrasting dark coloured basalt or granite in rectangular modules of 1' x 2', or larger. Permeable paving used to enhance the pattern.
- Direction of paving to follow the pattern shown on the public realm site plan.



PERMEABLE PAVING



GRANITE/BASALT + CONCRETE PAVING

f) Street Furniture

The following street furniture pieces should be utilized:

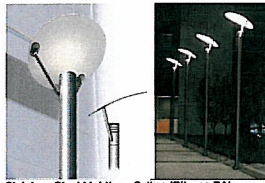
- Benches – Centennial from Frances Andrew Site Furnishings – Powder Coated steel w/Ipe Wood slats
- Bike racks – Ring from Landscape Forms
- Handrails – Stainless steel tube
- Garbage cans – Chase Park from Landscape Forms



Stainless Trash Receptacle - Landscape Forms 'Chase'



Painted Silver Bench - Frances Andrew 'Centennial'



Stainless Steel Lighting - Se'lux 'Ritorno RA'



Stainless Steel Handrails



Stainless Steel Bike Rack - Landscape Forms 'Ring'

SITE FURNISHINGS

g) Colour Palette

All street furniture shall be constructed of naturally oiled Ipe wood (plantation hardwood), stainless steel, silver powder coated steel and/or aluminum.

h) Lighting

The pole light is designed to avoid light pollution but will light the walkways in a manner to address comfort and safety.

- Ritorno RA from Se'lux

i) Water Feature

A location is identified on L01 for a potential water feature.

- The location is visually accessible through sight lines from the public domain.
- The design should use water sparingly; water should be recirculated.

j) Residential / Public Domain Buffer

To ensure the privacy of ground floor residential units it is recommended that a buffer of primarily evergreen plants be provided between the private and public domain.

k) Sustainable Landscape

The detailed design of the public realm should adhere to sustainable strategies in the landscape design, such as storm water infiltration and storage, and making use of drought tolerant plantings.

l) Plant Palette

The plants are chosen for their ability to survive with minimal irrigation and to give colour and seasonal change to the landscape.

Trees

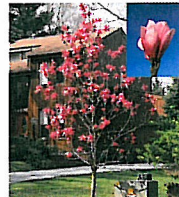
- Amelanchier canadensis 'Rainbow Pillar'
- Cornus 'Eddie's White Wonder'
- Fagus sylvatica 'Dawyck Gold'
- Magnolia 'Galaxy' – Galaxy Magnolia
- Quercus garryana – Garry Oak



Fagus sylvatica 'Dawyck Gold'



Amelanchier canadensis 'Rainbow Pillar'



Magnolia 'Galaxy' - Galaxy Magnolia



Quercus garryana - Garry Oak



Cornus 'Eddie's White Wonder'

TREES

Shrubs

- *Buxus mic. 'Winter Gem'* – Boxwood
- *Cornus ser. 'Kelseyii'* Dwarf Dogwood
- *Gautheria shallon* - Salal
- *Lavendula ang. 'Munstead'* – English Lavender
- *Mahonia aquifolium* – Oregon Grape



Gautheria shallon - Salal



Mahonia aquifolium - Oregon Grape



Cornus ser. 'Kelseyii' - Dwarf Dogwood



Buxus mic. 'Winter Gem' - Boxwood

SHRUBS

Grasses

- *Calamagrostis x acutiflora* – Feather Reed Grass
- *Carex aurea* – Golden Sedge
- *Phalaris arundinacea* – Reed Canary Grass
- *Helictotrichon sempervirens* – Blue Oat Grass



Phalaris arundinacea - Reed Canary Grass



Calamagrostis x acutiflora - Feather Red Grass



Carex aurea - Golden Sedge



Helictotrichon sempervirens - Blue Oat Grass



Lavendula ang. 'Munstead' - English Lavender

GRASSES

3. by amending Schedule 'A' – Land Use Designation attached to and forming part of the Official Community Plan, to add Esquimalt Village – Mixed Use Multiple Residential to the list of Land Use Designations; and
4. by changing the land use designation of Lot A, Section 11, Esquimalt District, Plan 18121 [1229 Esquimalt Road], Lot B, Section 11, Suburban Lot 40, Esquimalt District, Plan 18121 [1235 Esquimalt Road], Lot 14, Section 11, Esquimalt District, Plan 1163 [1216 Carlisle Road] and Lot 12, Section 11, Esquimalt District, Plan 1163 [534 Fraser Street] shown cross-hatched on Schedule "A" attached hereto from Institutional to Esquimalt Village – Mixed Use Multiple Residential; and
5. by amending Schedule 'A' – Land Use Designation, attached to and forming part of the Official Community Plan, to reflect the change in designation of designate the lands within Phase 1 of the Esquimalt Village project, shown cross-hatched on Schedule "A" attached hereto; and
6. by amending Schedule 'C' – Development Permit Areas attached to and forming part of the Official Community Plan, to add D.P.A. No. 6 to the list of Development Permit Areas; and
7. by amending Schedule 'C' – Development Permit Areas attached to and forming part of the Official Community Plan, to designate the lands within Phase 1 of the Esquimalt Village project, shown cross-hatched on Schedule "A" attached hereto, as part of D.P.A. No. 6.

READ a first time by the Municipal Council on the 2nd day of May, 2011.

READ a second time by the Municipal Council on the 2nd day of May, 2011.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2011.

READ a third time by the Municipal Council on the ---- day of ----, 2011.

ADOPTED by the Municipal Council on the ---- day of ----, 2011.

BARBARA DESJARDINS
MAYOR

LURIE HURST
DEPUTY CORPORATE
ADMINISTRATOR

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2757

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW [NO. 197], 2011, NO. 2757".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:

- (1) by adding the following words and figures in Part 5, Section 31 immediately following "Multiple Family Residential- Congregate Care RM-4-CP"

"Esquimalt Village – Mixed Use Multiple Residential [RM-EVP]"

- (2) by adding the following words and figures as Section 45.1 of Part 5

"45.1 Esquimalt Village – Mixed Use Multiple Residential [RM-EVP]"

The intent of this Zone is to accommodate high density Mixed Use Apartment, Commercial and Institutional development.

(1) Permitted Uses

The following Uses and no others shall be permitted:

- (a) *Dwelling - Apartment*
- (b) *Dwelling - Townhouse*
- (c) *Home occupation*
- (d) *Business and Professional Office*
- (e) *Financial institution*
- (f) *Hotel*
- (g) *Personal Service Establishment*
- (h) *Retail Store*
- (i) *Restaurant*
- (j) *Entertainment and Theatre*
- (k) *Assembly Use*
- (l) *Library*
- (m) *Government office*
- (n) *Parks, Public Plaza and Children's Playground*
- (o) *Archive*
- (p) *Museum*
- (q) *Charitable organization office*

- (r) *Schools (public and private)*
- (s) *Public Health Clinic or facility*
- (t) *Off street parking*

(2) **Civic Use Space**

A Commercial/Institutional unit, no less than 1860 square metres in area, shall be provided within the southernmost portion of the Commercial Mixed Use building located adjacent to Park Place.

(3) **Building Height**

No Building shall exceed a Height of the lesser of 38 metres and 12 storeys

(4) **Floor Area Ratio**

The Floor Area Ratio shall not exceed 3.0.

(5) **Lot Coverage**

The lot coverage shall not exceed 60%.

(6) **Siting Requirements**

- (a) *No Building shall be located with 2.0 metres of Esquimalt Road*
- (b) *No Building shall be located within 2.0 metres of Park Place*
- (c) *No Building shall be located within 5.0 metres of Carlisle Avenue*
- (d) *No Building shall be located within 5.0 metres of a Side Lot Line.*

(7) **Off Street Parking**

- (a) *Dwelling - Apartment and Dwelling - Townhouse Off Street Parking shall be provided to a standard of 1 space for every unit.*
- (b) *All other parking shall be provided in accordance with Table 1 of Parking Bylaw No. 2011.*
- (c) *Parking stall dimensions and location shall be in accordance with Table 2 of Parking Bylaw No. 2011.*

- (3) *by changing the zoning designation of Lot A, Section 11, Esquimalt District, Plan 18121 [1229 Esquimalt Road], Lot B, Section 11, Suburban Lot 40, Esquimalt District, Plan 18121 [1235 Esquimalt Road] and Lot 14, Section 11, Esquimalt District, Plan 1163 [1216 Carlisle Avenue] shown cross-hatched on Schedule "A" attached hereto from TC [Town Centre] to RM-EVP [Esquimalt Village – Mixed Use Multiple Residential]; and*
- (4) *by changing the zoning designation of Lot 12, Section 11, Esquimalt District, Plan 1163 [534 Fraser Street] shown cross-hatched on Schedule "A" attached hereto from P-2 [Park and Open Space] to RM-EVP [Esquimalt Village – Mixed Use Multiple Residential]; and*

- (5) by amending Sheet A-5 of Schedule A to designate the lands within Phase 1 of the Esquimalt Village project, shown cross-hatched on Schedule "A" attached hereto, as Esquimalt Village – Mixed Use Multiple Residential [RM-EVP].

READ a first time by the Municipal Council on the 2nd day of May, 2011.

READ a second time by the Municipal Council on the 2nd day of May, 2011.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2011.

READ a third time by the Municipal Council on the ---- day of ----, 2011.

ADOPTED by the Municipal Council on the ---- day of ----, 2011.

BARBARA DESJARDINS
MAYOR

LAURIE HURST
DEPUTY CORPORATE
ADMINISTRATOR



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

COTW Meeting: January 9, 2012

STAFF REPORT

DATE: January 3, 2012 Report No. DEV-12-004
TO: Laurie Hurst, Chief Administrative Officer
FROM: Trevor Parkes, Senior Planner
SUBJECT: DEVELOPMENT PERMIT
880-D Esquimalt Road
[Lot 2, Section 11, Esquimalt District, Plan 47946]

RECOMMENDATION:

That the application for a Development Permit limiting the form and character of development to that shown on architectural plans provided by Graphvette Design and Drafting, stamped "Received December 5, 2011", for the proposed tenant improvements and signage located at Lot 2, Section 11, Esquimalt District, Plan 47946 [880-D Esquimalt Road], be forwarded to Council with a **recommendation of approval**.

BACKGROUND:

Context

Applicant: Graphvette Design and Drafting [Doug Symonds]

Owner: Sophie Investments Inc. no. A74078 [Francois Denux]

Property Size: Metric: 2,404 m² Imperial: 25,876 ft²

Existing Land Use: Commercial

Surrounding Land Uses: South: Multiple Family Residential
East: Commercial
North: Institutional [School]
West: Commercial

Existing Zoning: C-2 [Neighbourhood Commercial] [No change required]

Existing OCP Designation: Commercial [No change required]

Purpose of the Application

The applicant is proposing a modest expansion to an existing commercial space by enclosing

the existing deck in order to better accommodate the current tenant.

Comments from Advisory Planning Commission

This application was considered at the regular meeting of APC held on December 20, 2011. Members commented that proposed changes appeared to be an improvement to the existing commercial space. The application was forwarded to Council with a recommendation of approval.

Comments from Other Departments

Building Inspection: Building Inspection staff have completed a preliminary evaluation of the proposed tenant improvements. All construction shall adhere to BC Building Code 2006 and Municipal Building Code Bylaw, 2002, No. 2538, and applicant must ensure issues contained in the Township Development Protocol are addressed during construction. Should this development permit be approved, the applicant would be responsible for the provision of architectural and engineering schedules as this proposal represents an assembly use.

Engineering Services: Engineering staff have completed a preliminary evaluation of the proposed renovations and has no new requirements for servicing the site.

Fire Services: Ensure exiting requirements from the commercial unit are adequate in the event of an emergency.

ISSUES:

Zoning

The proposed renovation would add a small amount of new commercial space to the site however the building continues to conform to the requirements of Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011.

Signage

Signage, consistent with the requirements for Fascia Signage contained in Signage Regulation Bylaw, 1996, No. 2252, is proposed for the southern facade of the building.

Official Community Plan

Building Design: OCP Section 9.4.3 (a) indicates that a goal of Development Permit Area No. 2 is to enhance the aesthetic image of Esquimalt's commercial districts including the Head Street/ Esquimalt Road intersection. The proposed alterations are consistent with the established form and character of the mall. The changes would improve the function of the commercial unit for the tenant while the addition would appear to be part of the original design of the building.

Green Features: The applicant has completed the Esquimalt Green Building Checklist [attached].

Landscaping: Landscaping for this site is established and offers little opportunity for additional plantings. The applicant is focusing on improvements to the structure and proposes no changes

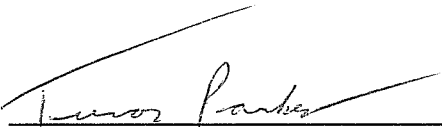
to the existing landscaping. The applicant has indicated a willingness to install hanging flower baskets on both the ground level and upper level in keeping with the mall owners existing beautification policy.

Public Notification


As this proposal does not involve rezoning and does not require any variances to proceed, public consultation is not a requirement.

ALTERNATIVES:

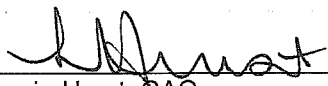
1. Forward the application for Development Permit to Council with a **recommendation of approval.**
2. Forward the application for Development Permit to Council with a **recommendation of denial.**



Trevor Parkes
Senior Planner

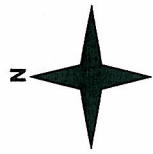



Barbara Snyder
Director of Development Services

Approved for Council's consideration:


Laurie Hurst, CAO
Dated: Jan 4/11

880-D Esquimalt Road



Subject Property Boundary: 

graphvette

design and drafting

3805 Wilkinson Road, Victoria, B.C. V8Z 5A3

Tel: (250) 812-7473

November 29, 2011

Development Services,
Township of Esquimalt,
1229 Esquimalt Road,
Esquimalt, B.C.
V9A 3P1

Re: **Development Variance Permit, 880D Esquimalt Road, Upper Floor**

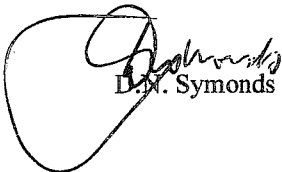
Dear Sir/Madam:

On behalf of my client, and as background to our request for a Development Variance Permit, at the above noted location, I respectfully submit the following detail:

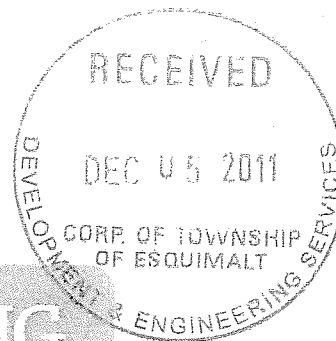
- i. Scope of proposed work;
Removal of +/- 30 feet of exterior glazing, construction of new enclosure of 28 m2 over existing roof deck (restaurant patio).
- ii. New storefront exterior glazing with coloured glass spandrel panels in anodized aluminium frames.
- iii. Extend metal roofing to match existing complete with matching fascia detail.
- iv. Colours/finishes of metal roofing & fascia detail to match existing.
- v. Metal railings to remain & be trimmed to suit new wall glazing.
- vi. There is adequate parking on the site to suit this additional enclosed floor space. (See drawings)
- vii. As this proposal relates to the upper storey of this complex there is no additional grade level landscaping proposed. In keeping with the Owner's existing policies, hanging flower baskets will be provided at both ground level & upper level.
- viii. This proposal relates to the enclosure of existing deck space. The existing upper level mechanical system has capacity to provide adequate heating & cooling and adequate plumbing facilities exist within the existing space.
- ix. New illuminated, fascia mounted sign for new tenant, "Victoria Bridge Club".
- x. In reviewing the "Green Building Checklist", a number of initiatives could/will be undertaken on this project, recognizing the scale of the project does not lend itself to large scale initiatives.

I respectfully request on behalf of my client, approval of this application.

Yours very truly,
Graphvette Design


D.N. Symonds





GREEN BUILDING CHECKLIST

The purpose of this Checklist is to make property owners and developers aware of specific green features that can be included in new developments to reduce their carbon footprints to help create a more sustainable community.

Creating walkable neighbourhoods, fostering green building technologies, making better use of our limited land base and ensuring that new development is located close to services, shops and transit are some of the means of achieving sustainability.

The Checklist which follows focuses on the use of Green Technologies in new buildings and major renovations. The Checklist is not a report card, it is a tool to help identify how your project can become 'greener' and to demonstrate to Council how your project will help the Township of Esquimalt meet its sustainability goals. It is not expected that each development will include all of the ideas set out in this list but Council is looking for a strong commitment to green development.

There are numerous green design standards, for example, Built Green BC; LEED ND; Living Building Challenge; Green Shores; Sustainable Sites Initiative. Esquimalt is not directing you to follow any particular standard, however, you are strongly encouraged to incorporate as many green features as possible into the design of your project.

As you review this checklist, if you have any questions please contact Development Services at 250.414.7108 for clarification.

**New development is essential to Esquimalt.
We look forward to working with you
to ensure that development is
as green and sustainable as possible.**

Other documents containing references to building and site design and sustainability, which you are advised to review, include:

- Esquimalt's Official Community Plan
- Development Protocol Policy
- Esquimalt's Pedestrian Charter
- Tree Protection Bylaw No. 2664
- A Sustainable Development Strategic Plan for the Township of Esquimalt

"One-third of Canada's energy use goes to running our homes, offices and other buildings. The federal government's Office of Energy Efficiency (Natural Resources Canada) reports that a corresponding one-third of our current greenhouse gas (GHG) emissions come from the built environment."
 [Green Building and Development as a Public Good, Michael Buzzelli, CPRN Research Report June 2009]

Please answer the following questions and describe the green and innovative features of your proposed development. Depending on the size and scope of your project, some of the following points may not be applicable.

Green Building Standards

Both energy use and emissions can be reduced by changing or modifying the way we build and equip our buildings.

- 1 Are you building to a recognized green building standard? Yes No
 If yes, to what program and level?
- 2 If not, have you consulted a Green Building or LEED consultant to discuss the inclusion of green features? Yes No
- 3 Will you be using high-performance building envelope materials, rainscreen siding, durable interior finish materials or safe to re-use materials in this project? Yes No
 If so, please describe them.
- 4 What percentage of the existing building[s], if any, will be incorporated into the new building? 98.7 %
- 5 Are you using any locally manufactured wood or stone products to reduce energy used in the transportation of construction materials? Please list any that are being used in this project.
- 6 Have you considered advanced framing techniques to help reduce construction costs and increase energy savings? Yes No
- 7 Will any wood used in this project be eco-certified or produced from sustainably managed forests? If so, by which organization? _____
 For which parts of the building (e.g. framing, roof, sheathing etc.)? _____
- 8 Can alternatives to Chlorofluorocarbons and Hydro-chlorofluorocarbons which are often used in air conditioning, packaging, insulation, or solvents] be used in this project? If so, please describe these. _____ Yes No
- 9 List any products you are proposing that are produced using lower energy levels in manufacturing.
- 10 Are you using materials which have a recycled content [e.g. roofing materials, interior doors, ceramic tiles or carpets]? Yes No
- 11 Will any interior products [e.g. cabinets, insulation or floor sheathing] contain formaldehyde? Yes No

Water Management

The intent of the following features is to promote water conservation, re-use water on site, and reduce storm water run-off.

Indoor Water Fixtures

- | | | | |
|----|--|-----|----|
| 12 | Does your project exceed the BC Building Code requirements for public lavatory faucets and have automatic shut offs? | Yes | No |
| 13 | For commercial buildings, do flushes for urinals exceed BC Building Code requirements? N/A | Yes | No |
| 14 | Does your project use dual flush toilets and do these exceed the BC Building Code requirements? | Yes | No |
| 15 | Does your project exceed the BC Building Code requirements for maximum flow rates for private showers? N/A | Yes | No |
| 16 | Does your project exceed the BC Building Code requirements for flow rates for kitchen and bathroom faucets? N/A | Yes | No |

Storm Water

- | | | | | |
|----|--|---------|-------------------------------------|--------------------------------------|
| 17 | If your property has water frontage, are you planning to protect trees and vegetation within 60 metres of the high water mark? [Note: For properties located on the Gorge Waterway, please consult Sections 7.1.2.1 and 9.6 of the Esquimalt Official Community Plan.] | Yes | No | <input checked="" type="radio"/> N/A |
| 18 | Will this project eliminate or reduce inflow and infiltration between storm water and sewer pipes from this property? | Yes | No | <input checked="" type="radio"/> N/A |
| 19 | Will storm water run-off be collected and managed on site (rain gardens, wetlands, or ponds) or used for irrigation or re-circulating outdoor water features? If so, please describe. _____ | Yes | <input checked="" type="radio"/> No | N/A |
| 20 | Have you considered storing rain water on site (rain barrels or cisterns) for future irrigation uses? | Yes | <input checked="" type="radio"/> No | N/A |
| 21 | Will surface pollution into storm drains will be mitigated (oil interceptors, bio-swales)? If so, please describe. _____ | Yes | <input checked="" type="radio"/> No | N/A |
| 22 | Will this project have an engineered green roof system or has the structure been designed for a future green roof installation? | Yes | <input checked="" type="radio"/> No | N/A |
| 23 | What percentage of the site will be maintained as naturally permeable surfaces? | _____ % | | |

Waste water

- | | | | | |
|----|--|-----|----|--------------------------------------|
| 24 | For larger projects, has Integrated Resource Management (IRM) been considered (e.g. heat recovery from waste water or onsite waste water treatment)? If so, please describe these. _____ | Yes | No | <input checked="" type="radio"/> N/A |
|----|--|-----|----|--------------------------------------|

Natural Features/Landscaping

The way we manage the landscape can reduce water use, protect our urban forest, restore natural vegetation and help to protect the watershed and receiving bodies of water.

- | | | | | |
|---|--|-----|-------------------------------------|-----|
| 25 | Are any healthy trees being removed? If so, how many and what species? | Yes | <input checked="" type="radio"/> No | N/A |
| _____ | | | | |
| Could your site design be altered to save these trees? | | | | |
| Have you consulted with our Parks Department regarding their removal? | | | | |

- 26 Will this project add new trees to the site and increase our urban forest?
If so, how many and what species? _____ Yes No N/A
- 27 Are trees [existing or new] being used to provide shade in summer or to buffer winds? Yes No N/A
- 28 Will any existing native vegetation on this site be protected?
If so, please describe where and how. _____ Yes No N/A
- 29 Will new landscaped areas incorporate any plant species native to southern Vancouver Island? Yes No N/A
- 30 Will xeriscaping (i.e. the use of drought tolerant plants) be utilized in dry areas? Yes No N/A
- 31 Will high efficiency irrigation systems be installed (e.g. drip irrigation; 'smart' controls)? Yes No N/A
- 32 Have you planned to control invasive species such as Scotch broom, English ivy, Himalayan and evergreen blackberry growing on the property? Yes No N/A
- 33 Will topsoil will be protected and reused on the site? Yes No N/A

Energy Efficiency

Improvements in building technology will reduce energy consumption and in turn lower greenhouse gas [GHG] emissions. These improvements will also reduce future operating costs for building occupants.

- 34 Will the building design be certified by an independent energy auditor/analyst?
If so, what will the rating be? _____ Yes No N/A
- 35 Have you considered passive solar design principles for space heating and cooling or planned for natural daylighting? Yes No N/A
- 36 Does the design and siting of buildings maximize exposure to natural light?
What percentage of interior spaces will be illuminated by sunlight? _____ % Yes No N/A
- 37 Will heating and cooling systems be of enhanced energy efficiency (ie. geothermal, air source heat pump, solar hot water, solar air exchange, etc.).
If so, please describe. _____
If you are considering a heat pump, what measures will you take to mitigate any noise associated with the pump? _____ Yes No N/A
- 38 Has the building been designed to be solar ready? Yes No N/A
- 39 Have you considered using roof mounted photovoltaic panels to convert solar energy to electricity? Yes No N/A
- 40 Do windows exceed the BC Building Code heat transfer coefficient standards? Yes No N/A
- 41 Are energy efficient appliances being installed in this project?
If so, please describe.
- 42 Will high efficiency light fixtures be used in this project?
If so, please describe. Yes No N/A
- 43 Will building occupants have control over thermal, ventilation and light levels? Yes No N/A
- 44 Will outdoor areas have automatic lighting [i.e. motion sensors or time set]? Yes No N/A
- 45 Will underground parking areas have automatic lighting? Yes No N/A

Air Quality

The following items are intended to ensure optimal air quality for building occupants by reducing the use of products which give off gases and odours and allowing occupants control over ventilation.

- 46 Will ventilation systems be protected from contamination during construction and certified clean post construction? Yes No N/A
- 47 Are you using any natural, non-toxic, water soluble or low-VOC [volatile organic compound] paints, finishes or other products? Yes No N/A
If so, please describe. _____
- 48 Will the building have windows that occupants can open? Yes No N/A
- 49 Will hard floor surface materials cover more than 75% of the liveable floor area? Yes No N/A
- 50 Will fresh air intakes be located away from air pollution sources? Yes No N/A

Solid Waste

Reuse and recycling of material reduces the impact on our landfills, lowers transportation costs, extends the life-cycle of products, and reduces the amount of natural resources used to manufacture new products.

- 51 Will materials be recycled during demolition of existing buildings and structures? Yes No N/A
If so, please describe. Existing glazing will be re-cycled
- 52 Will materials be recycled during the construction phase? Yes No N/A
If so, please describe. _____
- 53 Does your project provide enhanced waste diversion facilities i.e. on-site recycling for cardboard, bottles, cans and or recyclables or on-site composting? Yes No N/A
- 54 For new commercial development, are you providing waste and recycling receptacles for customers? Yes No N/A

Green Mobility

The intent is to encourage the use of sustainable transportation modes and walking to reduce our reliance on personal vehicles that burn fossil fuels which contributes to poor air quality.

- 55 Is pedestrian lighting provided in the pathways through parking and landscaped areas and at the entrances to your building[s]? Yes No N/A
- 56 For commercial developments, are pedestrians provided with a safe path[s] through the parking areas and across vehicles accesses? Yes No N/A
- 57 Is access provided for those with assisted mobility devices? Yes No N/A
- 58 Are accessible bike racks provided for visitors? Yes No N/A
- 59 Are secure covered bicycle parking and dedicated lockers provided for residents or employees? Yes No N/A
- 60 Does your development provide residents or employees with any of the following features to reduce personal automobile use [check all that apply]:
- transit passes
 - car share memberships
 - shared bicycles for short term use
 - weather protected bus shelters
 - plug-ins for electric vehicles

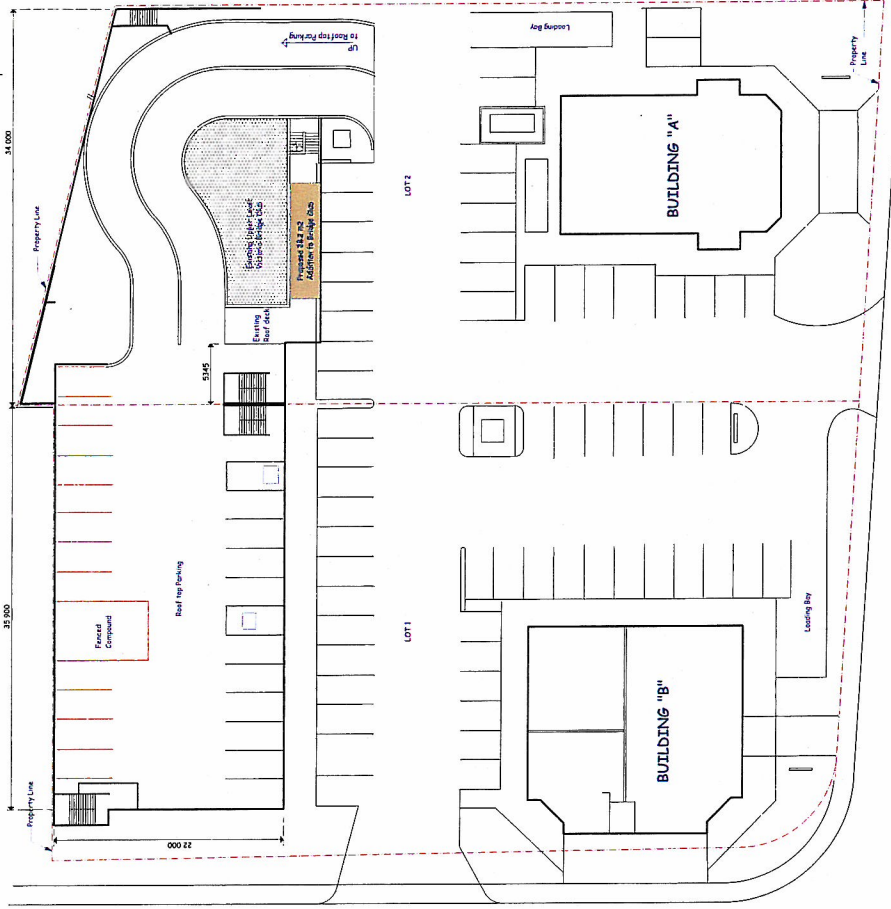
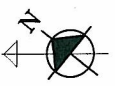
Is there something unique or innovative about your project that has not been addressed by this Checklist? If so, please add extra pages to describe it.

consultants

PROPOSED ADDITION
UPPER FLOOR
880D
Esquimalt Road,
Esquimalt, B.C.

graphivette
Industrial and Building
3805 Wilkinson Road,
Victoria, B.C.
V8L 2A6
(250) 612-7473

Date: 11/13/2011
Drawing No: 11-1132
Scale: 1/8" = 1'-0"
Sheet: 1 of 3



NOTE
1. Proposed BLDG. A & BLDG. B are a 2-story addition to the existing 1-story building. The existing building is a 1-story building with a total area of 1,000 sq. ft. The proposed addition is 2,000 sq. ft. The total area of the proposed addition is 3,000 sq. ft. The existing building is a 1-story building with a total area of 1,000 sq. ft. The proposed addition is 2,000 sq. ft. The total area of the proposed addition is 3,000 sq. ft.

ESQUIMALT ROAD

1 SITE PLAN
Scale: 1/8" = 1'-0"
Legal Description:
Lots 1 & 2,
Esquimalt District
Plan 47746

PROJECT NAME:	880D Esquimalt Rd. Esquimalt, B.C.
Address/Tract:	880D Esquimalt Rd. Esquimalt, B.C.
Zone:	Neighbourhood Commercial - C-2
Site Area:	2,517.7 sq. m.
Building Area:	Existing: 1,000 sq. m. Proposed Addition: 2,000 sq. m.
Blk. A:	Main Floor: 455.6 sq. m.
Blk. B:	Main Floor: 233.2 sq. m.
Blk. C:	Main Floor: 445.2 sq. m.
Blk. D:	Upper Floor: 143.0 sq. m.
Total Floor Area:	2,073.0 sq. m.
Other Area Ratio:	N/A
Lot Coverage:	Existing: 60% of 1,000 sq. m. Proposed: 100% of 3,000 sq. m.
Blk. Height:	Existing: No Change
Setbacks:	Existing: No Change
Side Set:	Existing: No Change
Front Set:	Existing: No Change
Back Set:	Existing: No Change
Other Side, Front, Back:	Existing: No Change
Other:	Existing: No Change
Parking:	Existing: 100 spaces, level 0.1. Proposed: 100 spaces, level 0.1. Total: 200 spaces, level 0.1.

continued

PROPOSED ADDITION
UPPER FLOOR
8880D
Esquimalt Road,
Esquimalt, B.C.

RECEIVED

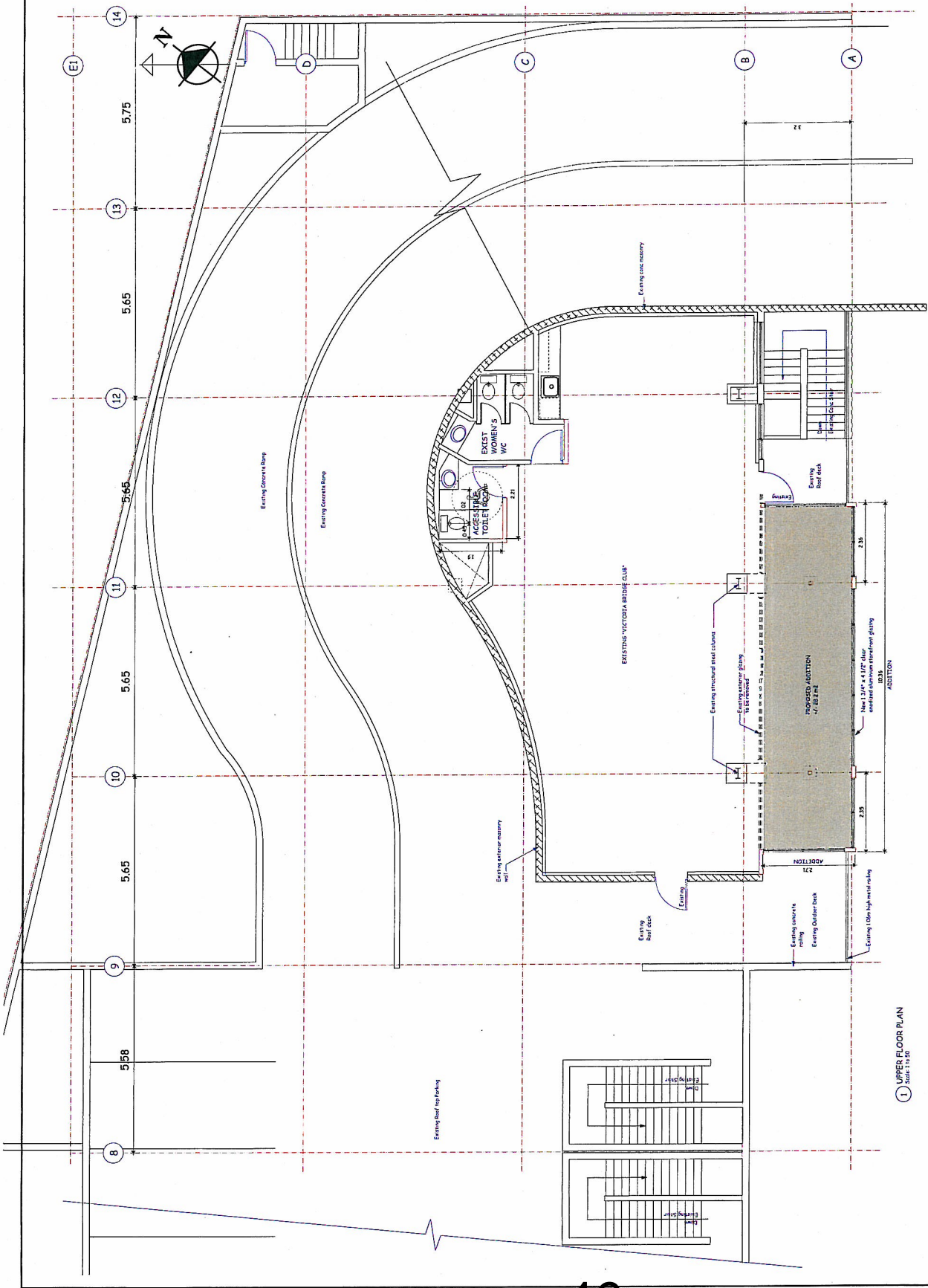
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CORP. OF TOWNSHIP
OF ESQUIMALT
DEVELOPMENT & ENGINEERING SERVICES

graphivette
Architectural
3025 Mission Road,
Victoria, B.C.
(250) 612-2473

Scale: as noted
Drawing No.: 11-001
Revision:
Date: 11/18/2011

2
of 3
100 No. 11-232



① UPPER FLOOR PLAN
Scale: 1/16" = 1'-0"

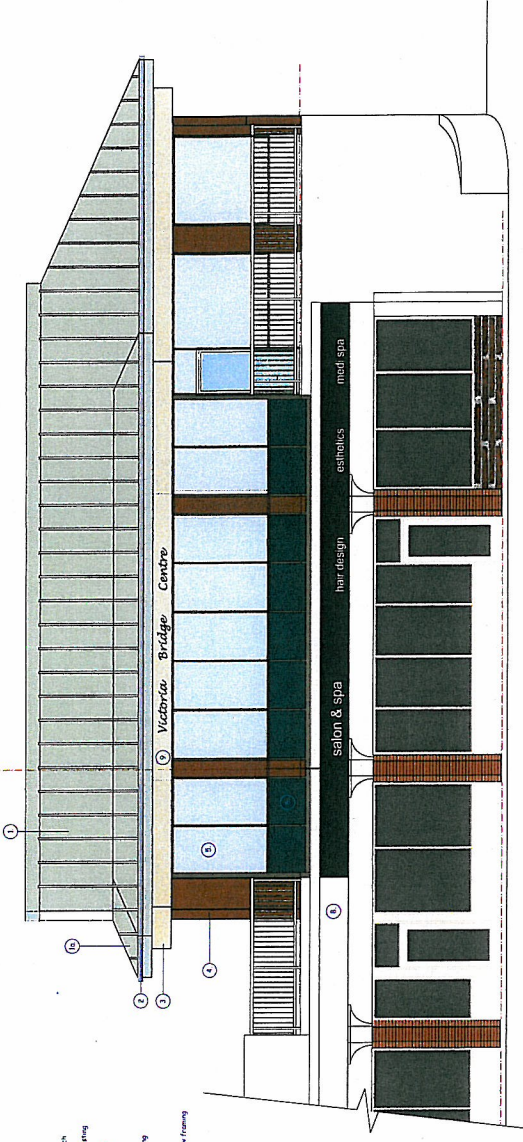
consultant

PROPOSED ADDITION
UPPER FLOOR
8800
Esquimalt Road,
Esquimalt, B.C.

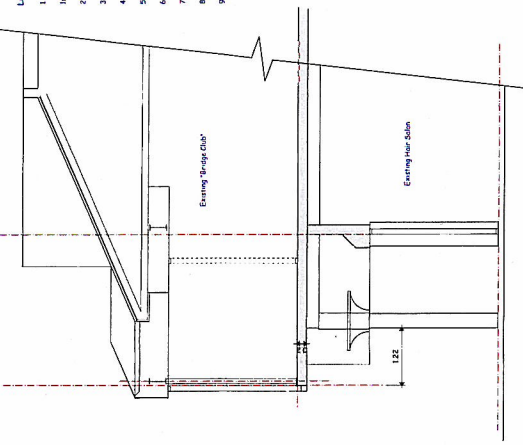
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CORP. OF TOWNSHIP
OF ESQUIMALT
DEVELOPMENT & ENGINEERING SERVICES

graphette
Architecture and Drafting
3805 Wilfrid Road,
Victoria, B.C.
(250) 812-2473

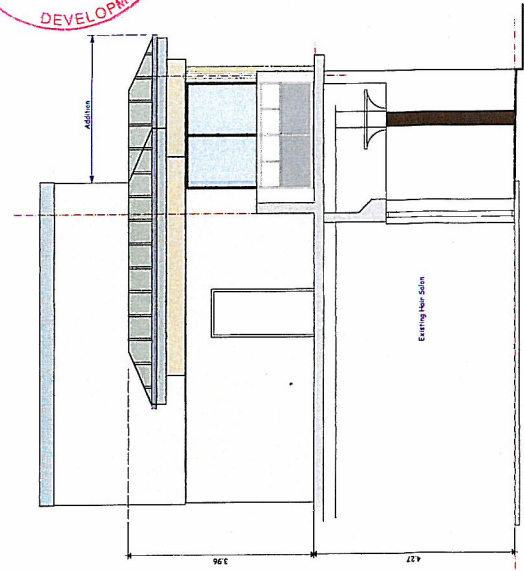
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3 of 3
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2 SOUTH ELEVATION
Scale: 1 to 100



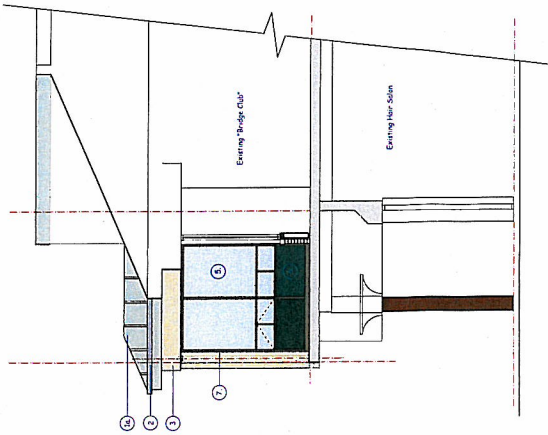
1 SECTION LOOKING WEST
Scale: 1 to 100



4 WEST ELEVATION
Scale: 1 to 100



PHOTO of EXISTING



3 EAST ELEVATION
Scale: 1 to 100