



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**  
**ADVISORY PLANNING COMMISSION MEETING MINUTES**  
**HELD ON**  
**TUESDAY, AUGUST 16, 2016**  
**ESQUIMALT COUNCIL CHAMBERS**

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**MEMBERS PRESENT:** David Schinbein      Lorne Argyle  
Christina Hamer      Amy Higginbotham  
Graeme Dempster      Berdine Jonker

**REGRETS:**                      Nick Kovacs

**STAFF LIAISON:**              Trevor Parkes, Senior Planner

**COUNCIL LIAISON:**          Councillor Tim Morrison  
Councillor Susan Low

**SECRETARY:**                  Pearl Barnard

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**I. CALL TO ORDER**

The Vice Chair called the meeting to order at 7:03 p.m.

**II. LATE ITEMS**

No late items

**III. ADOPTION OF AGENDA**

Moved by Lorne Argyle seconded by Graeme Dempster that the agenda be adopted. The Motion **CARRIED UNANIMOUSLY**.

**IV. ADOPTION OF MINUTES – July 19, 2016**

Moved by Lorne Argyle seconded by Graeme Dempster that the minutes of the Advisory Planning Commission held July 19, 2016 be adopted as distributed. The Motion **CARRIED UNANIMOUSLY**.

**V. BUSINESS FROM MINUTES**

There was no outstanding business from the Minutes.

**VI. STAFF REPORTS**

**1) REZONING APPLICATION**

**455 Nelson Street**

**[PID 003-378-748, Lot A, Suburban Lot 49, Esquimalt District, Plan 22014]**

Trevor Parkes outlined that the applicant is requesting a change in zoning from the current RS-3 [Single Family Waterfront Residential] zone to a Comprehensive Development Zone [CD] which would allow for two new single family residences, each on a fee simple parcel. The existing house would be retained on the southern lot in the short term, to be replaced at an undetermined date. A new home would be constructed on the proposed northern small lot. Should the rezoning be approved, the form and character of the northern building

and landscaping would be controlled by a development permit that would be considered by Council at a future date. The future development of the southern lot would not be subject to a Development Permit; only a building permit would be required to construct the new house.

Ally Dewji, applicant/owner was in attendance.

Ally Dewji presented the application. Mr. Dewji advised that he currently lives in Esquimalt and purchased the subject property in October 2015. He outlined that he is proposing to change the current zoning to allow for a two lot subdivision on the subject property. The existing home would remain and a new single family dwelling would be built. Mr. Dewji advised that there are two significant trees on the site that would be retained. He feels the proposed development would enhance the streetscape and is consistent with the Town's Official Community Plan for small-scale development.

The Vice Chair thanked the applicant for his presentation

**APC Questions and Comments:**

- Members had the following comments: like the look of the proposed development, two single-family homes are better than a big mansion, applauded the applicant for his efforts in considering the form and character of the neighbourhood and the Official Community Plan.
- A Member asked if the applicant had given any thought or had any discussion with the neighbours to the north regarding the impact the proposed development would have on their view. Mr. Dewji replied that the project would have an impact on the northern property owners and advised that he has been consistent in terms of communication with the neighbours. He feels this development will enhance the streetscape overall.
- A Member asked about the setback on the north property line. Mr. Dewji advised there is a 2 metre setback on the north property line.
- A Member asked if the proposed new home would have a secondary suite. Mr. Dewji advised that he plans to use the entire house as a family home and is prepared to enter into a covenant to restrict secondary suites.
- A Member asked if the basement in the new dwelling is below ground level and if there are any windows. Mr. Dewji advised the basement is below ground level and does have windows as well as window wells.

**RECOMMENDATION:**

Moved by Graeme Dempster, seconded by Amy Higginbotham that the Advisory Planning Commission recommends to Council that the application for rezoning, authorizing two new single family dwellings sited in accordance with the site plan prepared by Inhabit Design, stamped "Received July 25, 2016", and incorporating height and massing consistent with the architectural plans provided by Inhabit Design detailing the development proposed to be located at PID 003-378-748, Lot A, Suburban Lot 49, Esquimalt District, Plan 22014 [455 Nelson Street], stamped "Received July 25, 2016", be forwarded to Council **with a recommendation of approval as the proposal meets the form and character of the neighbourhood and is consistent with the Official Community Plan. The Motion CARRIED UNANIMOUSLY**

**2) ZONING TEXT AMENDMENT, HERITAGE ALTERATION PERMIT AND DEVELOPMENT VARIANCE PERMIT, COVENANT REVISIONS**  
**429 Lampson Street**  
**[PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066]**

Karen Hay, Planner outlined that the property owner is proposing a multi-phased commercial and residential development.

Ms. Hay explained that this is a fairly complex application; therefore Staff has divided the application into 4 recommendations.

Lenny Moy, Aragon (Lampson) Properties Ltd., Graham Fligg, Merrick Architecture, Tim Judge, Project Architect, Merrick Architecture, Julian Dunster, Arborist, Dunster & Associates and Mairi Bosomworth, Watt Consulting Group were in attendance.

Graham Fligg presented the application. Mr. Fligg outlined that the property was rezoned to a comprehensive development zoning and at that time, it was anticipated that the property would be subdivided and there would be two separate owners, one for Site A (the Inn), and another for Site B. He explained that Aragon (Lampson) Properties Ltd. currently owns the entire property, which has been advantageous for them in terms of refining the design.

**ZONING TEXT AMENDMENT**

Mr. Fligg outlined the changes to the Floor Area Ratio – (Density) and parcel sizes for both Site A and Site B of the proposed development

**APC Members comments:**

- The applicant had given a good explanation of why the Floor Area Ratio was increasing and expressed no concerns as it doesn't significantly increase the massing of Site A.
- Appreciate the desire to make the Inn viable, as it is a real asset to Esquimalt.

**RECOMMENDATION:**

Moved by Amy Higginbotham, seconded by Graeme Dempster that the Advisory Planning Commission recommends to Council that the application for the following **Text Amendment** for the proposed new development as illustrated in the architectural drawings prepared by Merrick Architecture, stamped "Received August 9, 2016", for the property at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street] be forwarded to Council **with a recommendation of approval;**

**Zoning Bylaw 1992, No. 2050 Section 67.71 A. Site A** – An increase to the size of Site A, from a 0.458 hectare parcel to a 0.4963 hectare parcel.

**Zoning Bylaw 1992, No. 2050 Section 67.71 A. Site A (2) Parcel Size** - A 113 square metre decrease to the 4580 square metre minimum Parcel size required for subdivision. [i.e. from 4580 square metres to 4467 square metres]

**Zoning Bylaw 1992, No. 2050 Section 67.71 A. Site A (3) Floor Area Ratio – [Density]** – A 0.07 increase to the maximum permitted 0.40 Floor Area Ratio. [i.e from 0.40 to 0.47].

**Zoning Bylaw 1992, No. 2050 Section 67.71 B. Site B** – A decrease to the size of Site B, from a 1.31 hectare parcel to a 1.2690 hectare parcel.

**Zoning Bylaw 1992, No. 2050 Section 67.71 A. Site B (12) Parcel Size** - A 1679 square metre decrease to the 13,100 square metre minimum Parcel size required for subdivision [i.e. from 13,110 square metres to 11,421 square metres].

**Zoning Bylaw 1992, No. 2050 Section 67.71 A. Site B (13) Floor Area Ratio – [Density]** – A 0.22 decrease to the maximum permitted 1.6 Floor Area Ratio. [i.e from 1.6 to 1.38].

**For the following reason:**

1. That it doesn't unduly increase the massing on the Site A. **The Motion CARRIED UNANIMOUSLY**

#### **HERITAGE ALTERATION PERMIT**

Mr. Fligg explained that the entire Inn, except for the north wing, has been designated as heritage. Overtime, the original Inn has been modified and about 40% of the building has been added too.

#### **APC Members comments and questions:**

- A Member advised that even though the Inn is designated as heritage, that doesn't necessary mean all pieces have to be treated as historical features that need to be conserved. The Member then explained that they are only obligated to consider the character defining elements that are listed in the Heritage Value Statement and are limited to looking at the pieces that are original Samuel McClure design elements. The Member then asked if the back staircase is an original Samuel McClure design element. Mr. Fligg advised that the staircase is original.
- The member then commented that it should not be removed or altered if it is a character defining element as stated in the Heritage Value Statement, some careful consideration needs to be put into how that is going to be treated. Whether that staircase is as grand as the rest of the home, it is a Samuel McClure design and has embodied heritage value because it is listed in the statement of significance [Heritage Value Statement]. If you are planning to remove original elements that is in contravention of what the municipality has approved as the character defining elements in the statement of significance [Heritage Value Statement].
- Mr. Fligg clarified that the staircase is completely invisible, in that it had been added to and altered.
- A member asked if there was a way to introduce the new staircase without negatively impacting the existing staircase. Mr. Fligg advised, no. The member then commented, that if there is no alternative to losing the staircase then the applicant needs to make sure that the additions reflect the *Standards and Guidelines for the Conservation of Historic Places in Canada* and are conscious of the statement of significance [Heritage Value Statement, and keep the pieces conserved effectively so that the record of the original design is not lost.
- The member commented that additions need to be distinguishable from and complementary to the historic fabric of the building, i.e. distinguishable upon close inspection and complementary. If it is a modern piece don't try and give up all sense of history in the addition; a really important aspect of having a successful addition. It is very exciting to see a viable and sustainable use going into the building and the development of the rest of the property.
- Member asked for clarification on the process for taking out the staircase. Another Member advised that the *Standards and Guidelines* state that alterations need to be documented.

**RECOMMENDATION:**

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

**RESTRICTIVE COVENANT**

Mr. Fligg advised that since the tree covenant was first written some of the subject trees have died so that in itself has provoked some adjustments that have to be made. The particulars of the covenant had been modified in direct response to the needs of the project and the needs of the trees.

Arborist Julian Dunster gave an overview of the tree retention and removal plan for the site. He outlined the salvage plan to move and replant trees.

Vice chair thanked Mr. Dunster for his presentation

**APC Members comments and questions:**

- What is the chance a mature tree will survive if it is moved? Mr. Dunster advised that they wouldn't move them if they didn't think they had a chance at success.
- Great that they are not demolishing everything green on the site.
- A Member commented that retaining the trees is really enhancing to the heritage values identified in the value statement. The mature landscaping contributes to a sense of place of this new development and has some of the tone of what the original intent of the Samuel McClure design. I think it is great.

**RECOMMENDATION:**

Moved by Amy Higginbotham, seconded by Lorne Argyle that the Advisory Planning Commission recommends to Council that the changes to the **Restrictive Covenant** [tree protection] for the proposed new development, as outlined in the arborist report prepared by Dunster & Associates, stamped "Received June 30, 2016" and illustrated in the architectural drawings prepared by Merrick Architecture, stamped "Received August 9, 2016", for the property at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street] be forwarded to Council **with a recommendation of approval; as the applicant has done a very good job of maintaining the mature landscaping for the site. The Motion CARRIED UNANIMOUSLY**

**DEVELOPMENT VARIANCE PERMIT**

Mr. Fligg gave an overview of the variances requested.

**APC Members comments and questions:**

- What is the setback on the other side of the fence line? Mr. Fligg advised that

directly north of the existing inn, there is a 1970's apartment building, to the right of that there is a garage / accessory building for a private home.

The intent is that even though the new wing will be close to the property line, it is going to be enhanced with greenery and there is going to be light penetration between it and the Inn. It is a priority to save the Garry Oak and the Fir tree by being close to the property line.

- A member asked if they are requesting a specific number of units to be less than the 60 square metres. Mr. Fligg explained that the variance would allow for up to 8% of the dwelling units to have less than 60 square metres of floor area. Another member commented that they would like to see a minimum number of the smaller units and thought that an exact number would be more appropriate. Member also commented that they are not personally convinced about micro suites. Mr. Fligg advised that there is a possibility that these units could be used as amenity suites for guests to stay in. He also added that they have no interest in offering micro suites on this development.
- What will the landscaping overtop the parkade look like? Mr. Fligg advised that it would be a formal lawn courtyard, a common use area for the Strata.
- What is the neighbouring property to the south of the townhomes? Mr. Fligg advised that it is a single family home. Another member asked if the trees between the townhouses and the existing house would be retained. Mr. Fligg advised that some of the trees would be retained and some new trees would be added.
- Concern that the setback on the north property line will have an impact on the neighbours. Mr. Fligg advised that the existing wing is too narrow to accommodate viable hotel rooms, and went on to explain that if they moved the entire wing further south they would have had to remove some trees and the mature gardens that are there.
- A Member asked why the corridors were put on the exterior of the buildings and when you are in the rooms do you see the grounds instead of the walkways. Mr. Fligg advised that you would see the grounds and the exterior corridors giving the experience of being outdoors.
- A Member expressed concerns about the impact the shade would have on the houses to the north and asked if a shadow study had been done. Mr. Fligg advised that a scientific shading study had not been done but the original rezoning took into account angles of light and shadowing in the setback requirements.
- A Member asked how the HandyDart bus would ingress / egress the site. Mr. Fligg advised that the bus would enter and exit along the main driveway.
- A Member commented on the number of disabled parking spaces for the site, 8 out of 300+ is not a lot. Mr. Fligg advised that they meet the Bylaw requirement for disabled spaces.
- Parking numbers were discussed. Staff clarified that the application meets the Parking Bylaw requirements for the number of parking spaces.
- A member commented that this was a really big and complex application and thanked the applicant for taking so much time to inform them of the project. Another member commented that the Inn is a great asset to the community.

#### RECOMMENDATION:

Moved by Berdine Jonker, seconded by Lorne Argyle that the Advisory Planning Commission recommends to Council that the application for a **Development Variance**

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

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

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

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

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

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

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

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

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

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

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

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

**For the following reason:**

1. The variances will have minimal impact on the surrounding area and overall it is a successful design for the property. **The Motion CARRIED UNANIMOUSLY**

## VII. STAFF LIAISON

**616/620 Lampson Street:** [Rzn 12 unit TH] The Public Hearing occurred March 7, 2016 and Council read the bylaw a third time. Adoption of the amendment bylaw remains outstanding pending the registration of a S.219 covenant that is the responsibility of the applicant. Once the registration is confirmed staff hopes to return the bylaw to Council for consideration of adoption in September.

**910 McNaughton Ave:** [Rzn to allow 2 Infill SFDs] APC recommended approval to Council on July 19, 2016. Rezoning Application is scheduled to be presented to Council on August 22, 2016.

A Member asked about the vacant space on the corner of Head Street and Esquimalt Road. Mr. Parkes advised that there have been some inquiries in the past, but Staff have not received any applications for that property.

## VIII. COUNCIL LIAISON

Councilor Low advised that Council has just come back from summer recess.

## IX. INPUT FROM APC TO STAFF

None

## X. NEW BUSINESS

None

## XI. NEXT REGULAR MEETING

Tuesday, September 20, 2016

## XII. ADJOURNMENT

On motion the meeting adjourned at 9:45 P.M.



CERTIFIED CORRECT:



CHAIR, ADVISORY PLANNING COMMISSION

THIS 20<sup>th</sup> DAY OF DECEMBER, 2016



ANJA NURVO,  
CORPORATE OFFICER