



**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY, DECEMBER 11, 2013**

SUBJECT **MCLOUGHLIN POINT REZONING – SUPPLEMENTARY INFORMATION TO
REPORT NO. CAL 13-24**

ISSUE

At the November 13 meeting of the Core Area Liquid Waste Management Committee (CALWMC), the Committee requested additional information on the cost of transportation by barge.

BACKGROUND

At the CALWMC meeting on November 13, 2013 the Committee considered Report No. CAL 13-24 and moved that staff continue to negotiate, but tabled the main motion pending receipt of additional information on the cost of transportation of materials by barge. The CALWMC also voted to remove the height and setback requirements in the bylaw, in amendment to the main motion.

Transportation by Barge

It is estimated that removing excavated material from site and delivering concrete or concrete production materials to site would cost less than 1% of the estimated construction cost for McLoughlin.

Height and Setback Requirements

The CALWMC also discussed the need to remove the height and setback requirements consistent with the proposed design concepts. Initially in negotiations with Esquimalt, staff proposed a 15m height restriction and zero setbacks. This was unacceptable to Esquimalt.

The Esquimalt design review committee has met three times with each of the proponents to review the proponent designs in relation to the design guidelines. The latest design review meeting was held on December 3. None of the proponents met the setback and height requirements in the current draft of bylaw 2805. At the request of CRD the design review committee informed each proponent as to whether or not they had met the design guidelines with their proposed designs. Each team was deemed to have met the design guidelines, despite not meeting the height and setback requirements. The design review committee considers the design to be more important than specific height and setback requirements. Following the meeting with the proponents the negotiating teams from the CRD and Esquimalt met again to seek a resolution to this issue. The CRD team has proposed revisions to the bylaw that would accommodate the proponent designs and has presented these to Esquimalt staff. The revisions are highlighted in the attached Bylaw 2805 (Attachment 1). An update on the position of Esquimalt staff will be provided at the December 11 meeting of the CALWMC.



RECOMMENDATION

That the Core Area Liquid Waste Management Committee receive this report for information.

J. A. (Jack) Hull, P. Eng, MBA
Seatterra Program

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

JH:hr

Attachments: 1

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2805

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

THE MUNICIPAL COUNCIL 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. 2__], 2013, NO. 2805*”.

McLoughlin Point Special Use [I -3] Zone

2. That Bylaw No. 2050, cited as the Zoning Bylaw, 1992, No. 2050 be amended as follows:

- (1) By amending Section 30.1 to read as follows:

“(2) The prohibition in Section 30.1(1) shall not apply to those lands in the McLoughlin Point Special Use [I-3] Zone.”

- (2) By replacing the following words and figures “Bulk Petroleum Storage I - 3” in Section 31 – Zone Designations of PART 5 Zoning Districts with:

“McLoughlin Point Special Use [I – 3]”

- (3) By amending Section 55 to read as follows:

“McLoughlin Point Special Use [I-3]

The intent of this zone is to accommodate the Core Area Liquid Wastewater Treatment Plant, including potential accessory or additional commercial, high tech industrial, recreational and educational uses, or any combination thereof to create a mixed use development”.

- (4) By amending the uses permitted under Section 55 (1) to the following:

- (1) **Permitted Uses**

The following Uses are permitted:

- (a) Wastewater Treatment Plant, including, without limitation, any or all of the following additional uses:
 - (i) Educational and Interpretive Centre
 - (ii) Commercial Instruction and Education
 - (iii) Research Establishment

- (iv) Business and Professional Office
- (v) Marine Outfall
- (vi) Sewage Pumping Facility
- (vii) Accessory Uses

- (b) Business and Professional Office
- (c) High technology uses
- (d) Accessory Retail
- (e) Entertainment and Theatre
- (f) Hotel
- (g) Assembly Use
- (h) Boat Moorage Facility
- (i) Park
- (j) Accessory Uses

- (5) By deleting existing Section 55 (2) Density – Wastewater Treatment Plant, and replacing it with the following Section 55 (2):

“(2) **Density – Wastewater Treatment Plant**

In accordance with the provisions of section 904 of the *Local Government Act*, density for the Wastewater Treatment Plant Use is established by way of base density, for which no conditions apply, and bonus density on the provision or satisfaction of the conditions identified below. For greater certainty, the regulations of this section do not apply to other uses in this zone and the calculation of Floor Area Ratio and Floor Area shall not include any wastewater tank.

(a) **Base Density:**

- (i) the Floor Area Ratio shall not exceed 0.15;
- (ii) the Floor Area shall not exceed 675m², excluding processing tanks and generators completely enclosed within a Building;
- (iii) Site Coverage shall not exceed 15%;

(b) **Bonus Density:**

- (i) the Floor Area Ratio shall not exceed 0.35;
- (ii) the Floor Area shall not exceed 4,500m², excluding processing tanks and generators completely enclosed within a Building;
- (iii) Site Coverage shall not exceed 75%;

all on the provision or satisfaction of all of the conditions set out in section 55(2)(c).

(c) **Bonus Density Conditions**

The following conditions are applicable to the bonus density under section 55(2)(b):

- (i) **Design Guidelines:**
Development consistent with conditions identified in the document entitled “Design Guidelines – McLoughlin Point Wastewater Treatment Plant” prepared by CitySpaces Consulting Ltd. (Revised May 2013), (called the “Design Document”) a copy of which is attached to Official Community Plan Bylaw 2006, Bylaw No. 2646 as Schedule H;
- (ii) **Road Upgrades:**
Reinstatement of all roads (including but not limited to paved areas, sidewalks, boulevards) affected by establishment of a Wastewater Treatment Plant described in the Design Document to a condition equal to or better than that which existed before construction;
- (iii) **Lyall Street Enhancement:**
An upgraded pathway and bikeway system along Lyall Street, having a value of up to \$950,000, including upgrades and connection to the West Bay Walkway via the trailhead located at 537 Head Street;
- (iv) **Education and Interpretive Centre:**
Provision of a meeting room and interpretive space on-site having a minimum floor area of 75 m², to be available for students and the public to learn about wastewater treatment and management, made available at no charge to and for use by schools, government bodies, non-profit organizations and individuals as requested during normal hours of operation;
- (v) **Public Access and Public Walkway:**
Design of building and development of site to incorporate public pedestrian walkway secured through a statutory right of way of 2.25 metres average width and in any event not more than 3 metres nor less than 1.5 metres in width at any point along the waterfront in favour of Esquimalt for and on behalf of the public to the respective boundaries of the property to permit future public walkway connection to West Bay if access through abutting Department of National Defence lands is permitted;
- (vi) **Boat Moorage:**

- (A) Temporary boat moorage, or other similar facility of sufficient size to permit the removal of excavated material and the provision of concrete and aggregate during the excavation and major concrete phase of the Wastewater Treatment Plant by barge or other marine transport; and
- (B) A dock or other similar watercraft landing structure to permit emergency and employee access to the site and at least seasonal public use secured by a statutory right of way in favour of Esquimalt for and on behalf of the public.

(vii) **Public Open Space:**

Public open space on the site to include a public observation point connected to the public pedestrian walkway;

(viii) **Public Art:**

Public art on the site having a value of \$100,000.00 to include heritage interpretive signage;

(ix) **Public Open Space Improvements:**

At least 3 benches to be installed in public open space referred to in paragraph (vii); and

(x) **CRD Facilities Visual Upgrade**

Aesthetic improvements to the exterior of the Macaulay Point Pump Station to a standard of quality and finish at least equivalent to the Craigflower Pump Station, the Currie Road Pump Station and the Trent Road Pump Station, recognizing the prominent location of the Macaulay Pump Station in an important waterfront park.”

- (6) By deleting Section 55 (4) – **Lot Coverage**, and replacing it with the following:

“(4) **Site Coverage**

- (a) For the purposes of this Section 55, “Site Coverage” means the figure obtained using the sum of the areas of Building footprints, including covered wastewater tanks not located within a Building, measured from the outside of exterior walls, expressed as a percentage of the total area of all parcels in the McLoughlin Point Special Use [I-3] Zone covered by a Building;
- (b) For certainty, Site Coverage shall not include any surface parking area, seawall or pedestrian walkway or other paved public open space.

- (7) By replacing Section 55 (5) – **Building and Structure Height**, with the following:

“(5) **Building and Structure Height**

- (a) For the purposes of this I-3 Zone, Height shall be measured from the Grade at seven (7.0) metres above the High Water Mark as such is determined as of January 1, 2014 (or earlier). For clarity, the purpose of this unique interpretation provision is to allow for sufficient tsunami protection for the proposed development in this Zone.
- (b) On the portion of the lands in the I-3 Zone within the area measured inland 20 metres from the High Water Mark (the “Low Height Area”):
- (c) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant,
 - (i) No Building or Structure shall exceed a Height of 12.0 metres, but only up to a maximum of 35% coverage within the Low Height Area and the length of such a Building or Structure in the Low Height Area shall not exceed 35% of the length of the shoreline measured at the High Water Mark;
 - (ii) No Building or Structure shall exceed a Height of 5.0 metres for the remaining 65% coverage of the Low Height Area.
- (d) On the remaining portion of the lands in the I-3 Zone, no Building or Structure shall exceed a Height of 12.0 metres except that the maximum Height of a Building may be 15 metres provided that:
 - (i) not more than 15% of the total area of the lands in the I-3 Zone is covered by a Building that exceeds 12.0 metres in Height; and
 - (ii) the sole purpose for exceeding 12.0 metres is to accommodate mechanical equipment or one odour control tower associated with the treatment of sewage.
- (e) In the case of a use of land other than a Wastewater Treatment Plant:
 - (i) no Building or Structure shall exceed a Height of 10 metres;
 - (ii) the Height of a Principal Building may be increased

by 5 metres (to 15 m maximum) for uses under section 55(1)(f) [*hotel*] when such hotel includes convention facilities and if combined in a mixed-use development with one or more other uses under subsections 55(1)(b) through (h).”

- (8) By replacing Section 55 (6) – **Siting Requirements**, with the following:

“(6) **Siting Requirements**

No setbacks are required except as follows:

- (a) In the case of use of land as a Wastewater Treatment Plant and uses accessory to a Wastewater Treatment Plant, Buildings shall be set back an average of 7.5 metres from the High Water Mark provided that an encroachment into this Setback is permissible to no more than 1.0 metre from the High Water Mark but only on satisfaction of all of the following conditions:
 - (i) such encroachment shall be no greater than 15% of the site area contained within the area of the entire 7.5 metre Setback;
 - (ii) for every square metre that a building encroaches into the Setback area, an equal area of extra open space associated with that building is set back behind the 7.5 metre Setback;
 - (iii) that no part of the Building encroaching within the 7.5 metre Setback is taller than 10.5 metres in Height; and
 - (iv) such encroachment does not prevent the establishment of a public pedestrian walkway, as identified in this zone.
- (b) For certainty, paragraph (a) Setback does not apply to the seawall, public walkway or public open space, other landscaping or hard exterior surface areas such as parking or similar structures.
- (c) In the case of a use of land other than a use referred to in paragraph (a), no Building shall be located within 7.5 metres of the High Water Mark.
- (d) In all cases, no building shall be located within 4.5 m of the most northerly lot line, between the water and Victoria View Road.”

- (9) By replacing Section 55 (7) – **Screening and Landscaping**, with the following:

“(7) **Screening and Landscaping**

Screening and landscaping shall be provided generally in accordance with the locations and standards shown in the Design Guidelines, provided that at least 20% of the total area used to calculate Site Coverage is left in its natural state, hard or soft landscaping (including pedestrian walkway and other public open space) or covered with a green roof.”

- (10) By replacing Section 55 (8) – **Off-Street Parking**, with the following:

“(8) **Off-Street Parking**

Notwithstanding the Township’s Parking Bylaws, as amended from time to time, the total number of off-street parking stalls required in this zone is 34.”

- (11) By inserting a new section 55(9) – **Development Permit Guidelines**, as follows:

“(9) **Development Permit Guidelines**

In the case of a development permit issued for a Building for a Wastewater Treatment Plant use that encroaches to a point less than 5 metres from the High Water Mark the following additional guideline may be considered in addition to the guidelines referred to in section 9.5.6 of the Official Community Plan:

- (a) building design and finish and site design should establish a strong architectural and functional relationship between the Building façade and the public pedestrian walkway through one or more of architectural, creative, artistic or other similar elements intended to provide enhanced visual interest for users of the pedestrian walkway,

- (12) By renumbering Section 55 (9) – **Severability and Satisfaction**, and replacing it with the following as Section 55(10) – **Severability**:

“(10) **Severability**

In addition to Section 5 of this Bylaw, and for greater certainty for this Zone, should any measure of density, associated condition or amenity be held to be invalid by a decision of a Court of competent jurisdiction, that measure of density, condition or amenity may be severed without affecting the validity of the density-bonusing scheme and other measures of density, conditions or amenities.”

- (13) By adding a new section 55 (11) – **Satisfaction**, as follows:

“(11) **Satisfaction**

- (a) For certainty, in the case of a condition under Section 55 (2), land may be developed and used for a Wastewater Treatment

Plant even where all conditions have not been fulfilled or completed provided the property owner is proceeding with a reasonable plan to design, construct and install the amenities in accordance with the construction and proposed use of the Wastewater Treatment Plant, and such has been secured by agreement with the Township.

- (b) The Public Access and Public Walkway and Public Open Space referred to in Section 55 (2) shall be subject to the outcome of any environmental assessment process to be undertaken separately from the environmental assessment required in connection with the Wastewater Treatment Plant which may require the public walkway to be modified or relocated, but not eliminated entirely, to avoid impact on the inter-tidal zone.”

READ a first time by the Municipal Council on the 24th day of June, 2013.

READ a second time by the Municipal Council on the 24th day of June, 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the 8th and 9th day of July, 2013.

READ a second time as amended on the day of , 2013.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the day of , 2013.

READ a third time by the Municipal Council on the day of , 2013.

ADOPTED by the Municipal Council on the day of , 2013.

“DRAFT”

“DRAFT”

BARBARA DESJARDINS
MAYOR

ANJA NURVO
CORPORATE OFFICER