

West Bay Residents Association  
Wednesday, July 8, 2019.

Township of Esquimalt  
1229 Esquimalt Road  
Esquimalt, BC  
V9A 3P1

Dear Mayor and Council,

Re: Official Community Plan Bylaw, 2018, No. 2050, Amendment Bylaw No. 2962, and Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2963

We understand Council may consider an amendment of the Official Community Plan and zoning bylaw for 899 Esquimalt Road based on the amenities package proposed by Lexi Developments and secured by a Section 219 Covenant Agreement. Please consider the following when making your decision on this application.

On May 18, 2018, the Esquimalt Advisory Planning Commission recommended that this proposal, **with conditions that included approximately 40 affordable units**, be forwarded to Council with a recommendation to approve. And on April 16, 2018, the Esquimalt Design Review Committee forwarded their recommendation for approval in part **because the building height conformed with the Official Community Plan (OCP) that was in effect at the time**. At 1<sup>st</sup> and 2<sup>nd</sup> Reading on May 27, 2019, the proponent informed Council that the condos will be priced based on market value, meaning that there will be no affordable housing units. At the same meeting, Staff informed Council that the building height no longer conforms with the OCP.

The proposed amenities package includes the provision of three 20 foot portable office/containers, to be used as temporary medical facilities. Their location will require permits, parking, water, electricity, sewer, etc.. At 1<sup>st</sup> and 2<sup>nd</sup> reading the proponent admitted they do not have a location for these temporary clinics. **IF** locations can be found and **IF** we were able to attract physicians to Esquimalt, would they agree to work out of a temporary clinic primarily used for disaster relief?

Another proposed amenity is the provision of a kayak dock constructed and located in West Bay. All docks in West Bay require permission to be located and accessed by way of a foreshore lease between Transport Canada and the upland owner. At 1<sup>st</sup> and 2<sup>nd</sup> reading, the proponent committed to engaging in a legal process with Transport Canada, but they are not upland owners in West Bay, so are not in a position to do so. Whether the proponent provides a dock for West Bay or money for the Township to build a dock for West Bay, permission from Transport Canada to have a dock in West Bay, and a ramp to access it, is not a given. Should we not have more surety around these two proposed amenities before moving forward?

The covenant will require that an operational clinic be up and running before residential occupancy is granted. It is our understanding that the covenant can later be amended, removing the requirement of an operational clinic (or any other requirement under the covenant should Council agree). It is highly unlikely that the Council of the day would choose not to grant occupancy if faced with leaving a high profile 12-storey condo tower in a prominent location empty. With so much relying on the success or failure of an operational clinic, can we say with confidence that discussions with the provincial government to establish a care facility in Esquimalt will be successful and or that the physician crisis will be resolved and this space will be optimized within the necessary time period?

The mass and height of this building and how it will relate to the surrounding established and historic neighbourhood is our primary concern. A portion of the proposed 12 storey tower falls within an area covered by the West Bay Neighbourhood Urban Design Guidelines, an area that only supports up to 3 storeys. Current OCP policy specific to the commercial mixed-use node centred around the intersection of Esquimalt Road and Head Street states that, *'Redevelopment should occur at a neighbourhood scale.'* This proposal is not development at a neighbourhood scale. We are very concerned about the precedent Council would be setting for future proposals by disregarding these specific guidelines in our newly adopted OCP.

There will be many complications and barriers associated with setting up container clinics in Esquimalt, installing a kayak dock in West Bay or bringing a clinic and doctors to Esquimalt. If any of the amenities are not realized, the OCP will remain amended, and in future, a 12-storey proposal coming forward for this lot will now be consistent with the OCP and will likely not require a robust amenity package. If the condo tower is built, and an operational clinic fails, Council will be put in a position of having to amend the covenant.

Considering the significant changes made to this proposal since being presented to the Advisory Planning Commission and Design Review Committee last year, the long list of uncertainties relating to an operational urgent care clinic at this site, and the likelihood that at least one of the proposed amenities will fail, this proposal should not move forward.

To this end, the West Bay Residents Association requests that Council not approve Lexi Development Group Inc.'s application for an OCP amendment to rezone their property at 899 Esquimalt Road.

Sincerely,  
Carole Witter (President)  
West Bay Residents Association

