



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
1/21/2019	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: January 16, 2019 Report No. DEV-19-003

TO: Laurie Hurst, Chief Administrative Officer

FROM: Alex Tang, Planner and Bill Brown, Director of Development Services

SUBJECT:

Official Community Plan Amendment Consultation List - 899 Esquimalt Road

RECOMMENDATION:

That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan and Zoning Bylaw Amendment concept plan, attached as Appendix 'B' to Staff Report DEV-19-003, detailing the proposed development for 899 Esquimalt Road [PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557] to those persons, organizations, and authorities identified in Appendix 'A' of Staff Report DEV-19-003.

RELEVANT POLICY:

Sections 475 and 476 of the Local Government Act

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix A: Official Community Plan Consultation List

Appendix B: Proposed Development Concept Plan

Purpose of the Application

The applicant is applying for an amendment to the Official Community Plan and a change in zoning to accommodate a 12 storey, commercial mixed-used building consisting of 57 residential units and 1 commercial unit, proposed as a medical urgent care clinic, as detailed in the proposed development concept plan, stamped "Received December 21, 2018".

Currently, the subject property has a mix of proposed land use designations, 'Neighbourhood Commercial Mixed-Use' on the northern half of the parcel and 'Townhouse Residential' on the southern half of the parcel. The proposed development is not consistent with either of these land use designations. In areas designated 'Neighbourhood Commercial Mixed-Use', proposals with a height of up to six storeys and a Floor Area Ratio of up to 1.5 for the residential portion are considered. The current proposal consists of twelve storeys with a FAR of 3.92 and about 3.65 for the residential portion.

Therefore, the proposed amendment to the Official Community Plan would consist of an amendment to Schedule 'B' of the Official Community Plan Bylaw, 2018, No. 2922, being the Proposed Land Use Designations Map, changing the Land Use Designation for the subject site from a mix of 'Neighbourhood Commercial Mixed-Use' and 'Townhouse Residential' to 'Commercial/Commercial Mixed-Use'.

In areas designated 'Commercial/Commercial Mixed-Use', buildings with a floor area ratio of up to 3.0 for the residential portion of the building may be acceptable. As the FAR for the residential portion of this building is about 3.65 and exceeds 3.0, the applicant will have to provide community amenities deemed appropriate by Council as part of the density bonus of floor space.

Section 475(1) of the Local Government Act states, "During the development of an official community plan, or the repeal or amendment of an official community plan, the proposing local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected."

Section 475(2)(b) provides the following list of organizations and authorities that Council must specifically consider whether consultation is required with:

- i. the board of the regional district in which the area covered by the plan is located
- ii. the board of any regional district that is adjacent to the area covered by the plan
- iii. the council of any municipality that is adjacent to the area covered by the plan
- iv. first nations
- v. board of education, greater boards and improvement district boards
- vi. the Provincial and federal government and their agencies.

Staff has reviewed the requirements of Section 475 of the Local Government Act and has provided a tentative list [Appendix A] of persons, organizations, and authorities that should be consulted pursuant to Section 475 of the Local Government Act. In addition, Section 476 of the Local Government Act requires the mandatory consultation with any school districts that incorporate the subject property.

Furthermore, as per Section 475 (2)(a) of the Local Government Act, Council must "consider whether the opportunity for consultation with one or more of the persons, organizations and authorities should

be early and ongoing”. The applicant has already made efforts in public consultation to neighbouring residents, and the recommendation of this report would provide for early efforts, specifically with respect to the Official Community Plan Amendment.

ISSUES:

1. Rationale for Selected Option

Council must consider who should be consulted and how they should be consulted, as per the Local Government Act.

2. Organizational Implications

The Request for Decision has no organizational implications.

3. Financial Implications

The Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

The Request for Decision has no sustainability or environmental implications.

5. Communication & Engagement

In addition to the consultation list provided in Appendix ‘A’, Council may decide to further consult persons, organizations, and authorities that it considers affected by the proposed amendment. Furthermore, a statutory public hearing will also be required.

ALTERNATIVES:

1. That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan and Zoning Bylaw Amendment concept plan, attached as Appendix ‘B’ to Staff Report DEV-19-003, detailing the proposed development for 899 Esquimalt Road [PID 030-151-562, Lot A, Section 11, Esquimalt District, Plan EPP69557] to those persons, organizations and authorities identified in Appendix ‘A’ of Staff Report DEV-19-003.
2. That Council amend the list in Appendix ‘A’ by adding or removing persons, organizations, and authorities that it considers affected by the proposed Official Community Plan Amendment prior to authorizing Alternative ‘1’.