



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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### REQUEST FOR DECISION

**DATE:** January 26, 2021 Report No. DEV-21-008  
**TO:** Laurie Hurst, Chief Administrative Officer  
**FROM:** Trevor Parkes, Senior Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Official Community Plan Amendment Consultation List - 819, 821, and 823 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 amendment application, Proposed Development Concept Plan, attached as Appendix B to Staff Report DEV-21-008, detailing a proposal requiring a change to Official Community Plan, Schedule B - Proposed Land Use Designations, for the parcels identified as 819 Esquimalt Road [PID 009-205-292; Lot 20, Section 11, Esquimalt District, Plan VIP265], 821 Esquimalt Road [PID 009-205-276; Lot 19, Section 11, Esquimalt District, Plan VIP265], and 823 Esquimalt Road [PID 006-854-940; Lot 18, Section 11, Esquimalt District, Plan VIP265], from 'Neighbourhood Commercial Mixed-Use' to 'High Density Residential', for Council to consider approval of the concurrent rezoning application for the subject property to permit the use of the parcel as one-hundred and four (104) seniors oriented multi-family residential units, to those persons, organizations, and authorities identified in Appendix A of Staff Report DEV-21-008.

**RELEVANT POLICY:**

*Local Government Act*

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw 1992, No. 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

**STRATEGIC RELEVANCE:**

Healthy, Livable, and Diverse Community - Support community growth, housing, and development consistent with our Official Community Plan (OCP).

**BACKGROUND:**

Appendix A - Official Community Plan Consultation List - 819, 821, and 823 Esquimalt Road

Appendix B - Proposed Redevelopment Concept Plan - Architectural Drawings and Shadow Analysis

## Purpose of the Application

The applicant is requesting a change in the Official Community Plan - Schedule B 'Proposed Land Use Designation' from the current designation of 'Neighbourhood Commercial Mixed-Use' to 'High Density Residential', and a change in zoning from the current mix of C-1 [Convenience Commercial] and RM-4 [Multiple Family Residential] zoning to a Comprehensive Development District zone [CD]. The proposed OCP amendment and change in zoning are required to accommodate the proposed one hundred and four (104) senior oriented multi-family residential units, to be constructed in a ten (10) storey building, at a Floor Area Ratio of 3.65, on the subject properties.

It is noteworthy that the applicant's original submission to the Township, stamped "Received October 13, 2020" detailed an 8 storey building proposal for the lands including 110 units at a Floor Area Ratio of 3.4.

Development Services staff reviewed this proposal against the relevant objectives, policies and development guidelines contained in the OCP as well as giving careful consideration to the context of the site on Esquimalt Road. This review yielded recommendations including increasing building setbacks, stepping the building inward above the 4<sup>th</sup> storey, consideration of planting areas for trees in front and along the side of the parcel to enhance screening of the parking area access and the frontage along Esquimalt Road. The applicant reviewed these comments and responded with the Development Concept Plan [Appendix B].

Should the OCP Amendment and rezoning be approved, the form and character of the buildings and landscaping would be controlled by a development permit that would be considered by Council at a future date.

## Official Community Plan [OCP] Consultation

The current OCP Proposed Land Use Designation for the property does not support development of high density residential use, being a residential building constructed higher than six (6) storeys, with a Floor Area Ratio exceeding 2.0. Accordingly, the proposed amendment to Schedule 'B' of the Official Community Plan Bylaw, 2018, No. 2922, being the 'Proposed Land Use Designations' map, changing the designation for the three subject properties to 'High Density Residential' is required.

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, in the case of a municipal official community plan;
- (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) Boards of education, greater boards, and improvement district boards; and
- (vi) The Provincial and Federal governments and their agencies.

Staff have reviewed the requirements of Section 475 of the *Local Government Act* and have provided a tentative list [Appendix A] of persons, organizations, and authorities that it feels 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. The boards of both School District No. 61 and School District No. 93 have been included in the list to address this requirement.

Under Section 475(2)(a) of the *Local Government Act*, Council must also ‘consider whether the opportunities for consultation ... should be early and ongoing.’ There have already been consultation efforts by the applicant with local residents, and the recommendation of this report would provide for early efforts specifically with respect to the OCP amendment.

## ISSUES:

### 1. Rationale for Selected Option

The *Local Government Act* requires Council to consider who should be consulted and how they should be consulted for all Official Community Plan amendments.

### 2. Organizational Implications

The proposed amendment to the Official Community Plan has no organizational implications.

### 3. Financial Implications

The proposed amendment to the Official Community Plan will not have significant financial implications.

### 4. Sustainability & Environmental Implications

Increasing residential density in existing neighbourhoods, particularly along major transportation corridors and transit routes is believed to make a community more sustainable.

### 5. Communication & Engagement

#### OCP Amendment Consultation

In addition to the consultation list provided in Appendix A, Council may decide to further consult persons, organizations, and authorities that it considers will be affected by the proposed amendment.

#### Public Notification

As this is an OCP amendment and a rezoning application, should it proceed to a Public Hearing, a notice would be mailed to tenants and owners of properties within 100 metres (328 feet) of the subject properties. Signs indicating that the properties are under consideration for a change to OCP Proposed Land Use Designation and to zoning have been placed on the Esquimalt Road frontage of each of the three parcels and would be updated to reflect the date, time and location of the Public Hearing. Additionally, Notice of the Public Hearing would be placed in two editions of the Victoria News.

#### Applicant Neighbourhood Consultation Submission

The applicant has undertaken an online communication effort in order to comply with the public

consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791, while still respecting Public Health Orders restricting personal interaction at this time. Notices were mailed to parcels located within 100m of the subject properties on October 19, 2020 soliciting feedback from local residents.

**ALTERNATIVES:**

- 1) That Council authorize staff to circulate the redevelopment proposal that will form the basis of the proposed amendment to the Official Community Plan to the list of persons, organizations, and authorities detailed in Appendix A of Staff Report DEV-21-008.
- 2) That Council amend the list in Appendix A of Staff Report DEV-21-008 by adding or removing persons, organizations, or authorities.
- 3) That Council not authorize staff to circulate the redevelopment proposal that will form the basis of the proposed amendment to the Official Community Plan.