



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Details (With Text)

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Title: Amendments to Housing Agreement and Section 219 Covenant for the Legion (622 Admirals Road), Staff Report DEV-18-087

Sponsors:

Indexes:

Code sections:

Attachments: 1. Appendix A - Housing Agreement Amending Bylaw 2018, 2949, 2. Appendix B - Covenant Modification - 622 Admirals, 3. Appendix C - Existing Housing Agreement Bylaw, 4. Appendix D - Existing Section 219 Covenant

Date	Ver.	Action By	Action	Result
12/17/2018	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: December 10, 2018

Report No. DEV-18-087

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Amendments to Housing Agreement and Section 219 Covenant for the Legion (622 Admirals Road)

RECOMMENDATION:

- 1) That Council resolves that Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799, Amendment Bylaw 2018, No. 2949, attached as Appendix "A" of Staff Report DEV-18-087, be read for a first, second, and third time; and
- 2) That Council authorizes the Corporate Officer to schedule a public hearing for the proposed modifications to Section 219 Covenant CA3608095, attached as Appendix "B" of Staff Report DEV-18-087, and to advertise the same in a local newspaper.

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922

STRATEGIC RELEVANCE:

Strategic Priority: "We continue to enhance the health and liveability of the community".

Strategic Goal: "Support community growth, housing and development consistent with our Official Community Plan".

BACKGROUND:

Appendices:

Appendix "A" - "Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799, Amendment Bylaw 2018, No. 2949"

Appendix "B" - Proposed Section 219 Covenant Modification

Appendix "C" - Existing Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799

Appendix "D" - Existing Section 219 Covenant

In the late spring of 2018, the ownership of the properties commonly referred to as the Legion (622 Admirals Road) were transferred from the Royal Canadian Legion Branch No. 172 to 1105384 B. C. Ltd., Inc. No. BC1105384 (dba Avenir Senior Living). Along with the change in the ownership of the property came a change to the business model. The new owner has proposed a change to the proposed stratification of the building which necessitates an amendment to the existing Housing Agreement (Appendix "C") and a modification to the existing Section 219 Covenant (Appendix "D"). The proposed changes to the stratification of the building are outlined in the table below.

Strata Lot	Existing Plan	Proposed Plan
Proposed Strata Lot A/Lot 1	Commercial Use (117 m ²)	Commercial Use (101.5 m ²)
Proposed Strata Lot B/Lot 2	Legion Facility (460 m ²)	Legion Facility (480 m ²)
Proposed Strata Lot C/Lot 3	12 non-profit Legion Veteran Senior Housing Units	Congregate Care Rental Units including: i. Lobby and amenities to support the Congregate Care (1 st and 11 th floors) ii. 48 memory care units (24 units per floor - 2 nd and 3 rd floors) iii. 95 (90 x 1-bedroom and 5 x 2-bedroom) rental congregate care units (19 per floor - 4 th , 5 th , 6 th , 7 th , and 8 th floors)
Proposed Strata Lot D	140 (116 x 1-bedroom and 24 x 2 - bedroom) Senior Independent Living Units, and one guest suite on the main level.	N/A
Strata Lots 4 - 41	N/A	38 owned congregate care units (36 x 1-bedroom and 2 x 2 -bedroom)
Total number of proposed strata lots.	152 residential units plus one commercial unit and one unit for the Legion	181 residential units plus one commercial unit and one unit for the Legion.

There are no proposed changes to use or density so a Zoning Bylaw amendment is not required. In

addition, the proposed changes to the building do not trigger any variances. Issues such as the form and character of the building will be dealt with as part of the subsequent Development Permit approval process. However, prior to obtaining a development permit approval from Council, the owners must first obtain Council approval to have the Housing Agreement amended and the Section 219 Covenant modified. The proposed amendments to the Housing Agreement and proposed modifications to the Section 219 Covenant are outlined below.

Proposed Amendments to the Housing Agreement

The proposed Housing Agreement Amendment which is attached as a schedule to Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799, Amendment Bylaw 2018, No. 2949 (Appendix "A"), contains a list of the proposed amendments

The proposed amendments are required to respond to the proposed ownership structure and to reinforce the "Congregate Care" nature of all of the residential units whether owned or rented.

Proposed Modifications to the Section 219 Covenant:

The proposed modifications to the Section 219 Covenant are executed through the registration on title of a covenant modification document (Appendix B).

The proposed amendments reflect the proposed stratification of the building and changes to the landscape plan requested by the applicant. The recitals of the Covenant Modification also acknowledge the completion of the lot consolidation and road dedication of Sections 1 and 2 of the original covenant.

Because the elements of the existing Section 219 covenant were made available for the consideration of Council and the public at the public hearing, it is necessary for any modifications to the covenant to be subject to a public hearing even though there are no proposed amendments to the Zoning Bylaw. The subject of the public hearing will be limited to the proposed modifications of the Section 219 covenant alone. This is not an opportunity for discussion on any other elements of the project.

ISSUES:

1. Rationale for Selected Option

The new owners are proposing a new business model for the proposed development which necessitates amendments to both the existing Housing Agreement and modifications to the existing Section 219 Covenant.

2. Organizational Implications

There are no extraordinary organizational implications associated with the proposed amendments to the Housing Agreement or the proposed modifications to the Section 219 Covenant.

3. Financial Implications

There are unlikely to be any extraordinary financial implications associated with the proposed amendments to the Housing Agreement or the proposed modifications to the Section 219 Covenant.

4. Sustainability & Environmental Implications

There are no significant sustainability or environmental implications associated with the proposed amendments to the Housing Agreement or the proposed modifications to the Section 219 Covenant.

5. Communication & Engagement

There are no statutory requirements for public consultation associated with the amendments to the Housing Agreement. However, the proposed modifications to the Section 219 Covenant require a public hearing along with the concomitant notices published in the paper and notices mailed to all tenants and owners of all properties within 100 m of the subject site.

ALTERNATIVES:

1. (1) That Council resolves that Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799, Amendment Bylaw 2018, No. 2949m attached as Appendix "A" of Staff Report DEV-18-087 be read for a first, second, and third time; and
(2) That Council authorize the Corporate Officer to schedule a public hearing for the modifications to Section 219 Covenant CA3608095, attached as Appendix "B" of Staff Report DEV-18-087, and advertise the same in a local newspaper.
2. That Council not grant any readings to the Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799, Amendment Bylaw 2018, No. 2949 or authorize the Corporate Officer to schedule a public hearing for the modifications to Section 219 Covenant CA3608095, and request that staff return to a subsequent meeting with additional information.
3. That Council not grant any readings to the Housing Agreement (622 Admirals Road) Bylaw, 2013, No. 2799, Amendment Bylaw 2018, No. 2949 or authorize the Corporate Officer to schedule a public hearing for the modifications to Section 219 Covenant CA3608095.