



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 18-137, Version: 1

REQUEST FOR DECISION

DATE: April 4, 2018

Report No. DEV-18-019

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Official Community Plan Amendment Consultation List - 833/835 Dunsmuir 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-18-019, detailing the proposed development for 833 Dunsmuir Road [PID 005-388-899, Lot 3, Section 11, Esquimalt District, Plan 9757] and 835 Dunsmuir Road [PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757] to those persons, organizations, and authorities identified in Appendix 'A' of Staff Report DEV-18-019.

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 5 storey, 34 unit residential building as detailed in the proposed development concept plan, stamped "Received February 7, 2018".

The proposed development is not consistent with the Official Community Plan's current designation of "Multi-Unit, Low-Rise Residential" which accepts building up to four storeys. Therefore, the proposed amendment to the Official Community Plan would consist of an amendment to Schedule 'A'

of the Official Community Plan, Bylaw No. 2646, being the Land Use Designation Map, changing the Land Use Designation for the subject site from “Multi-Unit, Low-Rise Residential” to “Multi-Unit, High-Rise Residential”.

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, by law, consider who should be consulted and how they should be consulted.

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 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.

The applicant has held a public meeting and met with neighbours on November 27, 2017 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

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-18-019, detailing the proposed development for 833 Dunsmuir Road [PID 005-388-899, Lot 3, Section 11, Esquimalt District, Plan 9757] and 835 Dunsmuir Road [PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757] to those persons, organizations and authorities identified in Appendix 'A' of Staff Report DEV-18-019.
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'.