



# 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:** September 26, 2018

Report No. DEV-18-073

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Official Community Plan Amendment and Zoning Amendment - 1379 Esquimalt Road / 520 Foster Street (St. Peter and St. Paul's Church)

**RECOMMENDATION:**

1. That Council, resolves that Bylaw No. 2932 attached as Appendix 'A' to Staff Report DEV-18-073, which would amend Official Community Plan Bylaw, 2018, No. 2922 by adding a new section to 'Section 5. Housing and Residential Land Use', changing Schedule 'A' being the 'Present Land Use Designations' map, Schedule 'B' being the 'Proposed Land Use Designations' map, thereby changing the designation of 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] shown cross-hatched on Schedule 'A', from 'Institutional' to 'St. Peter and St. Paul's' **be considered for adoption; and**
2. That Council, resolves that Bylaw No. 2933 attached as Appendix 'B' to Staff Report DEV-18-073, which would amend Zoning Bylaw, 1992, No. 2050 by changing Comprehensive Development District No. 23 [CD No. 23] (the existing zoning designation) of 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] shown cross-hatched on Schedule 'A', to accommodate a new ministry centre with twenty-four (24) residential units above **be considered for adoption; and**
3. That Council, resolves that, as there is now a Section 219 Covenant registered against the property restricting further development, the active Development Permits, [DP No. 16/98 and DP No. 16/99 - Appendix C] be cancelled and staff be directed to remove the notice from the title of the property located at 1379 Esquimalt Road / 520 Foster Street [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092].

**RELEVANT POLICY:**

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

Advisory Planning Commission Bylaw, 2012, No. 2792  
Subdivision and Development Control Bylaw, 1997, No. 2175

## **STRATEGIC RELEVANCE:**

This Request for Decision supports the following specific strategic objective:

- Support community growth, housing and development consistent with our Official Community Plan.

## **BACKGROUND:**

Appendix A: Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2018, No. 2932

Appendix B: Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2933

Appendix C: Development Permits - DP No. 16/98 and DP No. 16/99

## **Purpose of the Application**

CitySpaces Consulting, on behalf of the owner of St. Peter and St. Paul's Church (the Anglican Synod of the Diocese of British Columbia), is requesting an amendment to the Official Community Plan and a change to the property's zoning to facilitate the subdivision of the subject property into four separate parcels (three land parcels and one air space parcel). The 'Hermitage', an existing multiple unit residential building would occupy one land parcel, a small cemetery would be on a second land parcel, and the existing heritage designated church with a new 'Ministry Centre' would occupy the third land parcel. Twenty-four new, affordable, non-market rental housing units for seniors and persons with disabilities, would be located above the new ministry centre in an air space parcel.

The owners have now voluntarily executed and registered a Section 219 covenant on the property to restrict building and subdivision of the lot until the form and character of the new building is approved by Council within a future covenant. If the proposed new 'Ministry Centre' is to be connected to the heritage designated church a Heritage Alteration Permit would be required before a building permit for any alterations to this protected building could be issued.

The Development Permits, DP No. 16/98 and DP No. 16/99, were issued prior to construction of the 'Hermitage' building, and include a second building that was never completed. In order to move forward with a new development the applicant is requesting that these Development Permits be cancelled.

## **Context**

Applicant: Deane Strongitharm, CitySpaces Consulting

Owner: The Anglican Synod of the Diocese of British Columbia

Architect: Barry Cosgrave, Number Ten Architectural Group

Property Size: Metric: 6284 m<sup>2</sup> Imperial: 1.54 acres

Existing Land Use: Church, Parish Hall, Senior's Multiple Family Residence, Cemetery

Surrounding Land Uses:

North: Multiple Family Residential

South: Multiple Family Residential

West: Multiple Family Residential

East: Multiple Family Residential

Existing Zoning: Comprehensive Development District No. 23 [CD-23]

Existing OCP Designation: Institutional

## ISSUES:

### 1. Rationale for Selected Option

The property owners have voluntarily executed and registered a Section 219 covenant on the property, acknowledging that the amenities and the restrictions are in the public interest; and thereby restricting further building and subdivision, pending Council approval of the form and character of the proposed building. The applicant indicated at the public hearing that they are willing to undertake a meaningful engagement process to determine the best way to integrate the proposed new ministry centre and affordable housing project with the existing heritage church.

The DRC and the APC have both recommended approval of the project. The proposal would provide affordable housing in the community.

### 2. Organizational Implications

This Request for Decision has no organizational implications.

### 3. Financial Implications

This Request for Decision has no financial implications.

### 4. Sustainability & Environmental Implications

This Request for Decision has no significant sustainability or environmental implications.

### 5. Communication & Engagement

#### OCP Amendment Consultation

The Official Community Plan and Zoning Bylaw Amendment concept plan was circulated to local First Nations and other agencies for comment on May 10, 2018.

#### Public Notification

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on August 14, 2018. Notice of the Public Hearing was placed in the August 17, 2018 and August 22, 2018 editions of the Victoria News. Signs indicating that the property is under consideration for a change in zoning were placed on the Esquimalt Road, Foster Street, and Grafton Street frontages of the property and were updated to reflect the date, time and location of the Public Hearing.

The Public Hearing occurred on August 27, 2018 as scheduled. Consistent with the requirements of the Local Government Act, Council has been provided with no further communications from the public for this application since the public hearing.

#### Applicant neighbourhood meeting submission

The applicant has indicated that they held a public meeting (open house) and met with neighbours on June 27, 2017 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

## ALTERNATIVES:

1. That Council resolves that Amendment Bylaw No. 2932 [Appendix A] and Amendment Bylaw No. 2933 [Appendix B] be considered for adoption, and that Development Permits No. 16/98 and No. 16/99 be cancelled.

2. Council rescinds third reading and directs staff to amend Amendment Bylaw No. 2932 [Appendix A] and / or Amendment Bylaw No. 2933 [Appendix B], and return to Council for further consideration, following a new Public Hearing.