



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-006, Version: 1

REQUEST FOR DECISION

DATE: December 31, 2018

Report No. DEV-19-001

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Public Hearing for proposed amendments to Section 219 Covenant for 622 Admirals Road (The Legion)

RECOMMENDATION:

That Council, after considering the representations made to it at the public hearing, consider approving, by resolution, the proposed amendments to Section 219 Covenant CA3608095, attached as Appendix "B" of Staff Report DEV-19-001; and

Furthermore, Council authorizes the Mayor and Chief Administrative Officer to execute the necessary documents in order that the Covenant Modifications may be registered on the title for Lot A, Suburban Lot 43, Esquimalt District, Plan EPP82555.

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" - Location Map;

Appendix "B" - Proposed Section 219 Covenant CA3608095 Modification;

Appendix "C" - Existing Section 219 Covenant CA3608095;

Appendix "D"- Floor plans showing the proposed distribution of the strata units within the proposed building; and

Appendix "E" - Public Hearing Notice.

In the late spring of 2018, the ownership of the properties commonly referred to as the Legion (622

Admirals Road) was 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 properties came a change to the business model. The new owner has proposed a change to the stratification of the building which necessitates an amendment to the existing Section 219 Covenant CA3608095 (Appendix "C"). 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. The proposed changes to the stratification of the building are outlined in the table below. The proposed distribution of the strata units are shown on the floor plans attached as Appendix "D".

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. 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 requesting a development permit approval from Council, the owners must first obtain Council approval to have the Section 219 Covenant CA3608095 modified. The proposed modifications to the Section 219 Covenant are executed through the registration on title of a covenant modification document.

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 modifications to the existing Section 219 Covenant CA3608095.

2. Organizational Implications

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

3. Financial Implications

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

4. Sustainability & Environmental Implications

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

5. Communication & Engagement

Notices were published in the December 28, 2018 and January 2, 2019 editions of the Victoria News (Appendix "E"). In addition, notices were mailed to all owners and occupiers of property within 100 m of the property lines of the subject property (Appendix "E").

ALTERNATIVES:

1. That Council, after considering the representations made to it at the public hearing, consider approving, by resolution, the proposed amendments to Section 219 Covenant CA3608095, attached as Appendix "B" of Staff Report DEV-19-001; and

Furthermore, Council authorizes the Mayor and Chief Administrative Officer to execute the necessary documents in order that the Covenant Modifications may be registered on the title for Lot A, Suburban Lot 43, Esquimalt District, Plan EPP82555.

2. That Council request that they be provided with additional information before making a decision.
3. That Council pass a resolution not to support the proposed amendments to Section 219 Covenant CA3608095.