



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

---

File #: 21-308, Version: 1

---

### REQUEST FOR DECISION

**DATE:** June 4, 2021

Report No. DEV-21-042

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

**FROM:** Trevor Parkes, Senior Planner, Bill Brown, Director of Development Services

**SUBJECT:**

Development Permit Application (DP000159) for a five-parcel, bare land strata, subdivision at 916 and 920 Old Esquimalt Road

**RECOMMENDATION:**

That Council approve Development Permit No. DP000159 authorizing subdivision of the parcels located at 916 Old Esquimalt Road [PID 003-446-093; Lot C, Section 11, Esquimalt District, Plan 21636] and 920 Old Esquimalt Road [PID 003-446-395; Lot D, Section 11, Esquimalt District, Plan 21636] into five, bare land strata, parcels in accordance with the BC Land Surveyors Site Plan of Proposed Subdivision prepared by Scott Pearce, representing Powell and Associates BC Land Surveyors, stamped "Received March 12, 2021", attached as Appendix A to Staff Report DEV-21-042, and instruct staff to issue the Development Permit and register a notice on title.

**RELEVANT POLICY:**

Declaration of a Climate Emergency

*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, No. 2791, 2012

Subdivision and Development Control Bylaw, 1997, No. 2175

**STRATEGIC RELEVANCE:**

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

**BACKGROUND:**

**Appendices**

Appendix A: Development Permit No. DP000159

Appendix B: Subject Property Map, Air Photo, OCP Maps

Appendix C: Brimmell - Safe for Intended Use Letter

Appendix D: DP Guidelines Questionnaires - DP Areas No. 1, 3, 7 and 8

Appendix E: Applicant Presentation to Council

### **Timeline**

March 12, 2021 - Development Permit Application (Subdivision) received

May 18, 2021 - Advisory Planning Commission - Recommendation of Approval

June 14, 2021 - Council consideration of the application for Development Permit.

### **Purpose of the Application**

Because the proposed subdivision would create more than 3 parcels, the application does not qualify for an exemption from Development Permit outlined in Section 17.3 (6) in the Official Community Plan, therefore, a Development Permit must be approved prior to further consideration of the subdivision application.

The proposed subdivision is in the following Development Permit Areas:

- Development Permit Area No. 1 - Protection of the Natural Environment
- Development Permit Area No. 3 - Enhanced Design Control Residential
- Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction
- Development Permit Area No. 8 - Water Conservation

The purpose of this Development Permit is to authorize the subdivision of the lands, therefore many of the Development Permit Area guidelines do not apply. The site plan includes 5 single family residential parcels, each including dedicated useable open space, allows for preservation of 4 existing trees, and incorporates on-site storm water management in the grading design, thereby addressing guidelines for Natural Environment and Water Conservation. Should this subdivision be granted approval, each of the parcels would be subject to a Development Permit that allow staff to apply all the relevant design guidelines relating to buildings and landscaping.

As Council is required to consider all the Official Community Plan guidelines from these Development Permit Areas in evaluating this application, the applicant has submitted a document addressing the relevant OCP Design Guidelines. In the attached document, the applicant has responded to every applicable design guideline noting how the proposed design responds to each of the guidelines [Appendix D].

It should be noted that approval of the subdivision development permit does not result in the approval of the subdivision. Subdivision approval is the responsibility of the Approving Officer. All technical details such as site design, site servicing, and parks acquisition funds are dealt with through the subdivision approval process as opposed to the development permit process which deals with the relationship of the proposed subdivision with the relevant design guidelines.

Staff note that in support of the subdivision application, the applicant has provided a letter prepared by Richard Brimmell, P.Eng representing Brimmell Engineering Ltd., stamped "Received March 12, 2021", that confirms the lands have been evaluated and are safe for the intended use as single family dwellings [Appendix C].

### **ISSUES:**

1. Rationale for Selected Option

Council approval of Development Permit No. DP000159 is required to authorize to the Approving Officer to consider this application for subdivision. The proposed subdivision is consistent with the Present Land Use Designation in the OCP, the applicable design guidelines and meets or exceeds all CD-115 zoning requirements. The Esquimalt Advisory Planning Commission supports approval of the Development Permit.

2. Organizational Implications

There are no significant organizational implications.

3. Financial Implications

Analysis of the *Local Government Act* reveals that the applicant for this subdivision may be required to provide funds for the purpose of parks acquisition consistent with the requirements outlined in the Act prior to securing approval of this subdivision. The Approving Officer will be evaluating this possibility further should this Development Permit be approved allowing more detailed consideration of the subdivision application.

4. Sustainability & Environmental Implications

There are no significant sustainability or environmental implications.

5. Communication & Engagement

There are no statutory requirements for communications or engagement associated with the approval of Development Permit No. DP000159.

**ALTERNATIVES:**

1. That Council approve Development Permit No. DP000159 authorizing subdivision of the parcels located at 916 Old Esquimalt Road [PID 003-446-093; Lot C, Section 11, Esquimalt District, Plan 21636] and 920 Old Esquimalt Road [PID 003-446-395; Lot D, Section 11, Esquimalt District, Plan 21636] into five, bare land strata, parcels in accordance with the BC Land Surveyors Site Plan of Proposed Subdivision prepared by Scott Pearce, representing Powell and Associates BC Land Surveyors, stamped "Received March 12, 2021", attached as Appendix A to Staff Report DEV-21-042, and instruct staff to issue the Development Permit and register a notice on title.

2. That Council not approve Development Permit No. DP000159 authorizing subdivision of the parcels located at 916 Old Esquimalt Road [PID 003-446-093; Lot C, Section 11, Esquimalt District, Plan 21636] and 920 Old Esquimalt Road [PID 003-446-395; Lot D, Section 11, Esquimalt District, Plan 21636] into five, bare land strata, parcels in accordance with the BC Land Surveyors Site Plan of Proposed Subdivision prepared by Scott Pearce, representing Powell and Associates BC Land Surveyors, stamped "Received March 12, 2021", attached as Appendix A to Staff Report DEV-21-042, and explain what the applicant must do in order to have the Development Permit approved.