



## Council Report

### For the Meeting of July 7, 2022

---

**To:** Council **Date:** June 24, 2022

**From:** Karen Hoesel, Director, Sustainable Planning and Community Development

**Subject:** **Rezoning Application No. 00797 for 11 Chown Place and Associated Official Community Plan Amendment**

---

### RECOMMENDATION

1. That the following bylaws **be given introductory readings:**
  - i. Zoning Regulation Bylaw, Amendment Bylaw (No. 1281) No. 22-068
  - ii. Official Community Plan, Amendment Bylaw (No. 45) No. 22-067
  - iii. Housing Agreement (11 Chown Place) Bylaw (2022) No. 22-066.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with an update regarding the Rezoning Application for the property located at 11 Chown Place. The proposal is to rezone from the R3-G-SC Zone, Garden Apartment (Senior Citizens) District, to a new residential rental tenure zone in order to increase the density and construct a phased residential development consisting of four new multi-unit residential buildings and three blocks of townhouses. An amendment to the *Official Community Plan, 2012 (OCP)* from Traditional Residential to Urban Residential is required to facilitate this development.

The application was considered by Council at the Committee of the Whole meeting on April 28, 2022, and it came before Council on May 12, 2022, where the following resolution was approved:

1. *That Council instruct staff to prepare the necessary Official Community Plan Amendment Bylaw in accordance with Section 475 of the Local Government Act and the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00797 for 11 Chown Place, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.*
2. *The applicant prepare and execute legal agreements to secure the following with the form and contents to the satisfaction of the Director of Sustainable Planning and Community Development and the City Solicitor prior to final adoption of the bylaws:*
  - a. *all dwelling units (approximately 313) would remain affordable or below-market rental for 60 years, or the life of the building, whichever is greater, and authorize the City*

- Solicitor to make any necessary amendments to the existing housing agreements on title*
- b. a minimum of 20% of the total dwelling units on site are to be two- and three-bedroom units and at least 50% of the dwelling units are rented to and occupied by a senior*
  - c. all dwelling units are to be owned by a non-profit or government agency in perpetuity to guarantee that each phase of development will continue to provide non-market housing*
  - d. the protection, preservation, restoration and maintenance of an existing Garry Oak meadow with a site area of approximately 1862m<sup>2</sup> in accordance with the site plan and pathway design and construction through the Garry Oak meadow follows the recommendations in the arborist report dated March 30, 2021, and prepared by Concrete Jungle Forestry to minimize impacts on the protected Garry Oak trees*
  - e. construction and maintenance of and public access to east-west and north-south pedestrian pathways through the site linking Balfour Road and Harriet Road and Irma Street north and south in accordance with the site plan*
  - f. construction of a 295m<sup>2</sup> amenity building on site to use for social gatherings and recreational activities*
  - g. a minimum total site area of 1,270m<sup>2</sup> is dedicated towards community gardens for residents*
  - h. Master Plan Manual dated November 2021 revised April 6, 2022 prepared by Number 10 Architecture to be used to guide the redevelopment design of the site*
  - i. tenant assistance plans to be provided by the applicant, including the Right of First Refusal to the existing residents, with each development permit application for each phase of development, or a building demolition application, whichever application comes first.*
- 3. That Council consider who is affected by the proposed changes to the Official Community Plan, and determine that the following persons, organizations and authorities will be affected:*
    - a. those within a 200m radius of the subject property;*
    - b. Council of Saanich;*
    - c. the School District Board.*
  - 4. That Council provide an opportunity for consultation pursuant to section 475 of the Local Government Act, and direct the Director of Sustainable Planning and Community Development to:*
    - a. mail a notice of the proposed OCP Amendment to the persons within a 200m radius of the subject property;*
    - b. post a notice on the City's website inviting affected persons, organizations and authorities to ask questions of staff and provide written or verbal comments to Council for their consideration.*
  - 5. That Council consider that no consultation is necessary with the Capital Regional District Board; Councils of Oak Bay and Esquimalt; the Songhees and Esquimalt First Nations; or the provincial or federal governments or their agencies because the proposed OCP amendment does not affect them.*

6. *That Council request staff to report back on the OCP consultation at the same time as the bylaws for first and second readings are brought to Council for consideration.*

With respect to Part 2.d of Council's motion, the applicant confirmed that the site area of the Garry Oak meadow is approximately 1823m<sup>2</sup> in accordance with the arborist report.

The additional consultation associated with the proposed amendment to the *Official Community Plan, 2012* (OCP) was completed in accordance with Council's motion.

## **COMMENTS**

### Community Input on Official Community Plan Amendment

On May 12, 2022, Council directed staff to consult with property owners and occupants within 200m of the subject properties through a mail-out and public notices on the City's website. To date, the City has received correspondence from 27 members of the public (attached). Responses and feedback received during the community input process were mixed.

At the time of writing this report, staff have not yet received letters from the District of Saanich or the School District Board (SD61). Additional comments received prior to the Public Hearing will be included in the Council Agenda package at that time.

### Garry Oak Meadow

The applicant confirmed that the site area of the Garry Oak meadow is approximately 1823m<sup>2</sup> in accordance with the arborist report. This is slightly less than the site area (approx. 1862m<sup>2</sup>) indicated in Council's motion and the COTW report.

### Public Hearing Condition

With regard to the pre-conditions that Council set in relation to this application, the applicant was only required to execute a housing agreement to secure the following prior to Public Hearing:

- all residential rental dwelling units remain affordable or below-market for 60 years, or life of the building (whichever is greater)
- all dwelling units are owned by a non-profit or government agency in perpetuity
- the applicant provide Tenant Assistance Plans, including the Right of First Refusal to the existing residents, with each Development Permit application for each phase of development, or a building demolition application, whichever one comes first
- a minimum of 50% of the dwelling units must be rented to and occupied by a senior non-owner.

The applicant is currently working on the legal agreements to secure the other items listed in the above resolution. As such, although a Public Hearing can be scheduled and held, final adoption of the bylaws will be postponed until staff receives confirmation from the applicant that the legal agreements have been registered on title, in accordance with Council's motion.

The recommendation provided for Council's consideration contains the appropriate language to advance this application to a Public Hearing.

Respectfully submitted,

Leanne Taylor  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Correspondence regarding Official Community Plan amendment.