



**CORPORATION OF THE
TOWNSHIP OF ESQUIMALT**
Agenda - Final
Council

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

Monday, August 20, 2018

7:00 PM

Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

- 1) [18-346](#) Minutes of the Regular Meeting of Council, July 16, 2018

Attachments: [2018 07 16 Regular Council Minutes - Draft](#)

5. PRESENTATIONS

- 1) [18-347](#) Jeff Miller, Chair, WWTP Esquimalt Liaison Committee, Re: Quarterly Update

Attachments: [Presentation Application - WWTP Esquimalt Liaison Committee](#)

6. DELEGATIONS

- 1) [18-348](#) Karen Shirley, Re: Protection for Esquimalt's Low-Income Renters

Attachments: [Delegation Application - K. Shirley](#)

7. PUBLIC INPUT (On items listed on the Agenda)

Excluding items which are or have been the subject of a Public Hearing.

8. STAFF REPORTS

Engineering and Public Works

- 1) [18-335](#) Storm Water Funding, Staff Report EPW-18-027

Recommendation:

That Council resolve to support the submission to Investing in Canada Infrastructure Program - Green Infrastructure: Environmental Quality Sub-Stream funding application for the Storm Water Quality Improvement Project with a commitment to approve budgetary funding up to \$270,000 within the next three years for the completion of the Project.

Attachments: [Attachment A - Storm Drain Basin Locations](#)

- 2) [18-336](#) Canada Infrastructure Grant Application, Staff Report EPW-18-028

Recommendation:

That Council resolves to support submission of a funding application to the Municipal Asset Management Program, through the Federation of Canadian Municipalities, for a Road

Corridor Management Program with a value of \$67,000, and that the Township confirm that it will commit up to \$17,000 towards the cost of this Project.

Development Services

- 3) [18-257](#) Rezoning Application - 833 and 835 Dunsmuir Road, Staff Report DEV-18-036

Recommendation:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2924, attached to Staff Report DEV-18-036 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 833 Dunsmuir Road [PID 005-388-899, Lot 3, Section 11, Esquimalt District, Plan 9757], shown cross hatched on Schedule 'A' of Bylaw No. 2924, from RM-4 [Multiple Family Residential] to CD No. 108 [Comprehensive Development District No. 108], and by changing the zoning designation of 835 Dunsmuir Road [PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757], also shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2924, from RD-3 [Single Family/Two Family Residential] to CD No. 108 [Comprehensive Development District No. 108] be considered for **first and second reading**; and

2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2924, mail notices and advertise for same in the local newspaper; and

3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-18-036, the applicant has voluntarily agreed to register a Section 219 Covenant, and Council has accepted it as a condition of rezoning, on the title of 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] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- Lot consolidation of 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] prior to development as the proposed CD No.108 Zone does not work unless the parcels are consolidated
- Four visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-036
- \$500 per unit car shares from Modo car share services
- 18 parking stalls wired for Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations.

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a S.219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2924 to Council for consideration of adoption.

Attachments: [Appendix A - Zoning Amendment Bylaw No. 2924](#)
[Appendix B - Subject Property Map, Aerial Map, OCP Policies](#)
[Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)
[Appendix D - Green Building Checklist](#)
[Appendix E - Applicant's Letter](#)
[Appendix F - Traffic Impact Assessment](#)
[Appendix G - Parking Study](#)
[Appendix H - Developer's Public Consultation Summary](#)

- 4) [18-258](#) Rezoning Application - 638 and 640 Constance Avenue, 637 Nelson Street, Staff Report DEV-18-038

Recommendation:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927, attached to Staff Report DEV-18-038 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 638 Constance Avenue [PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854], 640 Constance Avenue [PID 000-380-911, Amended Lot 88 (DD 208422I), of Suburban Lot 44, Esquimalt District, Plan 2854], and 637 Nelson Street [PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854], all shown cross hatched on Schedule 'A' of Bylaw No. 2927, from RM-1 [Multiple Family Residential], to CD No. 110 [Comprehensive Development District No. 110] be considered for **first and second reading**; and
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2927, mail notices and advertise for same in the local newspaper; and
3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-18-038, the applicant has voluntarily agreed to register a Section 219 Covenant, and Council has accepted it as a condition of rezoning, on the title of 638 Constance Avenue [PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854], 640 Constance Avenue [PID 000-380-911, Amended Lot 88 (DD 208422I), of Suburban Lot 44, Esquimalt District, Plan 2854], and 637 Nelson Street [PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:
 - Lot consolidation of 638 Constance Avenue [PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854], 640 Constance Avenue [PID 000-380-911, Amended Lot 88 (DD 208422I), of Suburban Lot 44, Esquimalt District, Plan 2854], and 637 Nelson Street [PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854] prior to development as the proposed CD No.110 Zone does not work unless the parcels are consolidated
 - Seven visitor parking spaces will be provided and remain as illustrated in the parking

plan, attached as Appendix C to Staff Report DEV-18-042

- \$500 per unit car shares from Modo car share services
- 31 parking stalls wired for Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a S.219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2927 to Council for consideration of adoption.

Attachments: [Appendix A - Zoning Amendment Bylaw No. 2927](#)
[Appendix B - Subject Property Map, Aerial Map, OCP Policies](#)
[Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)
[Appendix D - Green Building Checklist](#)
[Appendix E - Applicant's Letter](#)
[Appendix F - Parking Study](#)
[Appendix G - Developer's Public Consultation Summary](#)

- 5) [18-280](#) Rezoning Application - 838 and 842 Admirals Road, Staff Report DEV-18-042

Recommendation:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2926, attached to Staff Report DEV-18-042 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 838 Admirals Road [PID 005-074-011, Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546 Except that part in Plan VIP86845], shown cross hatched on Schedule 'A' of Bylaw No. 2926, from CD No. 75 [Comprehensive Development District No. 75] to CD No. 109 [Comprehensive Development District No. 109], and by changing the zoning designation of 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546], also shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2926, from RD-3 [Single Family/Two Family Residential] to CD No. 109 [Comprehensive Development District No. 109] be considered for **first and second reading**; and
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2926, mail notices and advertise for same in the local newspaper; and
3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-18-042, the applicant has voluntarily agreed to register a Section 219 Covenant, and Council has accepted it as a condition of rezoning, on the title of 838 Admirals Road [PID 005-074-011, Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546 Except that part in Plan VIP86845] and 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:
 - Lot consolidation of 838 Admirals Road [PID 005-074-011, Lot 17, Block 7, Section 10,

Esquimalt District, Plan 2546 Except that part in Plan VIP86845] and 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546] prior to development as the proposed CD No.109 Zone does not work unless the parcels are consolidated

- Provision of one fire hydrant on the corner of Admirals Road and Naden Street
- Three visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-042
- \$500 per unit car shares from Modo car share services
- 15 parking stalls wired for Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a S.219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2926 to Council for consideration of adoption.

Attachments: [Appendix A- Zoning Amendment Bylaw No. 2926](#)
[Appendix B - Subject Property Map, Aerial Map, OCP Policies](#)
[Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)
[Appendix D - Green Building Checklist](#)
[Appendix E - Applicant's Letter](#)
[Appendix F - Arborist Report](#)
[Appendix G - Parking Study](#)
[Appendix H - Developer's Public Consultation Summary](#)

6) [18-339](#) Rezoning Application - 1109 Lyall Street, Staff Report DEV-18-056

Recommendation:

That Council consider an application to amend the Zoning Bylaw in order to allow for the development of a new two-unit dwelling behind the existing single family home at 1109 Lyall Street [PID 006-001-009, Amended Lot 3 (DD 148436I), Section 11, Esquimalt District, Plan 4729] and upon such consideration, instruct staff how Council wishes to proceed with the application - namely to prepare the amending bylaws, or close the file.

Attachments: [Appendix A - Maps, Air Photo, RD-3 zone](#)
[Appendix B - Site Plan and Architectural Drawings](#)
[Appendix C - Applicants Letter and Green Building Checklist](#)
[Appendix D - Applicants Public Consultation Results](#)

7) [18-340](#) Development Permit Application - 615 Fernhill Road, Staff Report DEV-18-057

Recommendation:

That Council resolves that Development Permit No. DP000106, attached as Appendix A to Staff Report DEV-18-057, consistent with the architectural plans provided by MJM Architect, Inc., the Landscape Plan by Studio One Creative, and sited as detailed on the Land Surveyor's Site Plan prepared by Wey Mayenburg Land Surveying, Inc., all stamped

“Received June 19, 2018”, **be approved, and staff be directed to issue the permit (subject to receipt of the required landscape security) and register the notice on the title** of the property located at 615 Fernhill Road [PID 004-757-742, Lot B, Section 11, Esquimalt District, Plan 12446].

Attachments: [Appendix A - DP000106](#)
[Appendix B - Subject Property Map, Aerial Map, CD No. 105 Zone](#)
[Appendix C - Surveyor's Site Plan Architectural Drawings Landscape Plan](#)
[Appendix D - Green Building Checklist](#)

- 8) [18-341](#) Development Permit Application - 669 Constance Avenue, Staff Report DEV-18-058

Recommendation:

That Council resolves that Development Permit No. DP000108, attached as Appendix A to Staff Report DEV-18-058, consistent with the architectural plans provided by Lang Wilson Practice in Architecture Culture Inc., stamped “Received July 24, 2018”, the landscape plan by Lombard North Group Inc., stamped “Received August 14, 2018” and sited in accordance with the McElhanney Consulting Services Ltd., stamped “Received July 24, 2018”, **be approved, and staff be directed to issue the permit (subject to receipt of the required landscape security) and register the notice on the title** of the property located at 669 Constance Avenue [PID 030-431-026 Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107].

Attachments: [Appendix A - DP000108](#)
[Appendix B - Subject Property Map, Aerial Map, CD No. 107 Zone](#)
[Appendix C - Surveyor's Site Plan, Architectural Drawings, Landscape Plan](#)
[Appendix D - Green Building Checklist](#)

- 9) [18-343](#) Encroachment Agreement on Park Place for private water main connection to Esquimalt Town Square lands, Staff Report DEV-18-051

Recommendation:

That Council authorize the Mayor and Chief Administrative Officer to execute the necessary documents to allow an “Encroachment Easement”, attached as Schedule “A” to Staff Report DEV-18-051 including minor legal edits, on Park Place in order to allow the owner(s) of the Town Square site (Lot 1, Section 11, Suburban Lot 40, Esquimalt District, Plan EPP32782) to install, operate, use and maintain a private water main connection on Park Place in order to service the Esquimalt Town Square lands; the Agreement to be executed upon satisfactory arrangements being agreed to for the registration of encroachment agreement(s)/easement(s) for that portion of the stairs and wheelchair ramp at the front entrance of Municipal Hall that encroach onto Lot 1, Section 11, Suburban Lot 40, Esquimalt District, Plan EPP32782.

Attachments: [Schedule "A" - Encroachment Agreement - Watermain](#)
[Schedule "B" - Plan EPP84906](#)
[Schedule "C" - Notice of Disposition](#)

- 10) [18-344](#) Amendment to Development Permit No. DP000094 for a roof top patio, 468 Foster Street, Staff Report DEV-18-061

Recommendation:

That Council approve an amendment (Schedule "A") to Development Permit DP000094 (Schedule "B") authorizing a roof top deck on the northerly proposed duplex unit located at 468 Foster Street (PID 008-400-571, Lot 17, Suburban Lot 30, Esquimalt District, Plan 772A) as illustrated on the architectural drawings prepared by Zebra Design, stamped "Received July 10, 2018", and staff be directed to issue the amendment to the permit.

Attachments: [Schedule "A" - DP000094 - 468 Foster Street - AMENDMENT](#)
[Schedule "B" - DP000094 - issued](#)
[Schedule "C" - Drawings](#)
[Schedule "D" - Letter Rec'd July 10, 2018 for DP Amendment Application](#)

9. REPORTS FROM COMMITTEES

- 1) [18-332](#) Adopted Minutes from the Advisory Planning Commission, June 19, 2018

Attachments: [2018 06 19 APC Minutes - Adopted](#)

- 2) [18-349](#) Adopted Minutes from the APC Design Review Committee, July 11, 2018

Attachments: [2018 07 11 APC Design Review Committee - Adopted](#)

- 3) [18-350](#) Draft Minutes from the Advisory Planning Commission, July 17, 2018

Attachments: [2018 07 17 Advisory Planning Commission - Draft](#)

10. COMMUNICATIONS

- 1) [18-351](#) Letter from Emilie Gorman, Capital Regional District, dated July 16, 2018, Re: Bylaw No. 4255, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 5, 2018

Attachments: [Letter - Capital Regional District](#)

- 2) [18-352](#) Letter from Colin Evans, Scouts Canada - Greater Victoria Area, dated August 1, 2018, Re: 2018 Apple Day

Attachments: [Letter - Scouts Canada](#)

- 3) [18-353](#) Petition received August 14, 2018, Re: Protection for Esquimalt's Low-Income Renters

Attachments: [Petition - Protection for Esquimalt's Low-Income Renters](#)

11. NOTICE OF MOTION

- 1) [18-342](#) Notice of Motion re Modernizing the BC Motor Vehicle Act,
Councillor Tim Morrison - For Discussion

Attachments: [Notice of Motion - BC MVA - Councillor Morrison](#)
[Attachment 1 - Position Paper - Modernizing the BC Motor Vehicle Act](#)
[Attachment 2 - Copy of City of Victoria Letter Nov 2017](#)

12. PUBLIC QUESTION AND COMMENT PERIOD

Excluding items which are or have been the subject of a Public Hearing.
Limit of two minutes per speaker.

13. ADJOURNMENT