



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, August 20, 2018

7:00 PM

Esquimalt Council Chambers

Present: 6 - Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Beth Burton-Krahn
Councillor Lynda Hundleby
Councillor Olga Liberchuk
Councillor Tim Morrison

Absent: 1 - Councillor Susan Low

Staff: Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering & Public Works
Bill Brown, Director of Development Services
Rachel Dumas, Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the Regular Council meeting to order at 7:00 PM.

Mayor Desjardins acknowledged with respect that we are within the Traditional Territories of the Esquimalt and Songhees First Nations. Mayor Desjardins acknowledged the Summer events organised by the Township Community Arts Council and thanked all the volunteers and visitors.

2. LATE ITEMS

The following late items were added to the agenda:

- (1) Pertaining to Agenda Item 6. **DELEGATIONS:** (1) Karen Shirley, Re: Protection for Esquimalt's Low-Income Renter's:
 - Remove from Agenda at Applicant's Request to postpone.
- (2) Pertaining to Agenda Item 8. **STAFF REPORTS:** (10) Amendment to Development Permit No. DP000094 for a roof top patio, 468 Foster Street, Staff Report DEV-18-061:
 - Email from David Wilkinson, dated August 20, 2018
 - Email from Lauree Gray & Brian Plume, dated August 20, 2018

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Morrison: That the agenda be approved as amended with the inclusion of the late items. Carried Unanimously.

4. MINUTES

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

Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: That the Minutes of the Regular Meeting of Council, July 16, 2018. be adopted as circulated. Carried Unanimously.

5. PRESENTATIONS

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

6. DELEGATIONS

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

This Delegation was withdrawn from the agenda at the request of the applicant.

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

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

Alexander Boxer, *resident*, encouraged Council to consider mandating that developers allocate a percentage of proposed residential dwelling units as social housing.

Lorna Rourke, *resident*, in support and acknowledges the need for social housing options in Esquimalt.

8. STAFF REPORTS***Engineering and Public Works***

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

Director of Engineering and Public Works provided clarity towards the revised costs of the award based on the size of the catchment area's and scope of work involved and responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Burton-Krahn: That Council resolves 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 \$330,000 within the next three years for the completion of the Project. Carried Unanimously.

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

Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: 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. Carried Unanimously.

Development Services

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

Planner provided an overview of Rezoning application for 833 and 835 Dunsmuir Road, presented a PowerPoint Presentation and responded to questions from Council.

Heather Spinney, Architect, Praxis Architecture Inc., presented a PowerPoint Presentation and responded to questions from Council.

Director of Development Services responded to questions from Council.

Council comments included:

- * Fewer parking spaces to accommodate larger dwelling units for families
- * MODO car share guidelines
- * Parking concerns
- * Removal of trees and loss of green space
- * Setback concerns and impact to neighbours
- * Bike Storage

Moved by Councillor Hundleby, seconded by Councillor Brame: 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 given 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
- Minimum of one visitor parking space 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.

Moved by Councillor Morrison, seconded by Councillor Brame: That the Main Motion be amended to; (1) reduce the number of visitor parking spaces from four to a "minimum of one visitor parking space...and (2) add the word "minimum" to Section (12)(a) of Bylaw No. 2924, "...minimum ratio of 1.02 spaces per dwelling unit". Carried.

In Favour: 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, and Councillor Morrison

Opposed: 1 - Councillor Liberchuk

Absent: 1 - Councillor Low

The vote was taken on the Main Motion as amended and declared Carried.

In Favour: 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, and Councillor Morrison

Opposed: 1 - Councillor Liberchuk

Absent: 1 - Councillor Low

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

Planner provided an overview of Rezoning application for 638 and 640 Constance Avenue and 637 Nelson Street, presented a PowerPoint Presentation and

responded to questions from Council. He advised, that the applicant had withdrawn the MODO Car Share Service and amended the number of parking stalls to be wired for Level 2 electric vehicle charging stations from 50% to 25%.

Heather Spinney, Architect, Praxis Architecture Inc., presented a PowerPoint presentation and responded to questions from Council.

Director of Development Services responded to questions from Council.

Moved by Councillor Hundleby, seconded by Mayor Desjardins: 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 given first reading.

Moved by Councillor Liberchuk, seconded by Councillor Brame: That the Main Motion be amended to include a minimum ratio of 0.9% per unit per parking space. Defeated

In Favour: 3 - Councillor Brame, Councillor Liberchuk, and Councillor Morrison

Opposed: 3 - Mayor Desjardins, Councillor Burton-Krahn, and Councillor Hundleby

Absent: 1 - Councillor Low

The vote was taken on the Main Motion and declared Carried.

In Favour: 4 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, and Councillor Liberchuk

Opposed: 2 - Councillor Burton-Krahn, and Councillor Morrison

Absent: 1 - Councillor Low

The meeting recessed at 8:51 PM and reconvened at 8:59 PM with all members of Council present with the exception of Councillor Low.

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

Planner provided an overview of Rezoning application for 838 and 842 Admirals Road, presented a PowerPoint application and responded to questions from Council. He advised of two amendments to the application: MODO Car Share service was withdrawn and revision to total number of parking spaces wired for Level 2 electric vehicle charging stations amended to 25%.

Heather Spinney, Architect, Praxis Architecture Inc., provided an overview of Rezoning application, presented a PowerPoint Presentation and responded to questions from Council.

Director of Development Services responded to questions from Council.

Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: 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 given 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
- 25% of 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. Carried.

In Favour: 5 - Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, Councillor Liberchuk, and Councillor Morrison

Opposed: 1 - Mayor Desjardins

Absent: 1 - Councillor Low

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

Kim Colpman, applicant, responded to questions from Council.

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk: 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. Defeated.

In Favour: 3 - Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Morrison

Opposed: 3 - Mayor Desjardins, Councillor Brame, and Councillor Hundleby

Absent: 1 - Councillor Low

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

Moved by Councillor Liberchuk, seconded by Councillor Hundleby: 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]. Carried Unanimously.

Director of Development Services declared a conflict of interest due to the location of his primary residence and left the meeting at 9:36 PM.

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

Moved by Councillor Brame, seconded by Councillor Hundleby: 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]. Carried.

In Favour: 5 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, Councillor Liberchuk, and Councillor Morrison

Opposed: 1 - Councillor Burton-Krahn

Absent: 1 - Councillor Low

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

Director of Development Services returned to the meeting at 9:39 PM, provided the rationale for the Encroachment Agreement to provide services to the Esquimalt Town Square Lands and responded to questions from Council.

Moved by Councillor Hundleby, seconded by Councillor Morrison: 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. Carried Unanimously.

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

Staff responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Brame: That

Council allow the applicant to address Council. Carried.

In Favour: 5 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, Councillor Liberchuk, and Councillor Morrison

Opposed: 1 - Councillor Burton-Krahn

Absent: 1 - Councillor Low

Moved by Councillor Morrison, seconded by Councillor Brame: That Council deny 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", due to existing concerns of privacy impact to surrounding neighbours; and further, the applicant prove beyond reasonable doubt that these issues have been addressed. Carried Unanimously.

9. REPORTS FROM COMMITTEES

- 1) [18-332](#) Adopted Minutes from the Advisory Planning Commission, June 19, 2018
- 2) [18-349](#) Adopted Minutes from the APC Design Review Committee, July 11, 2018
- 3) [18-350](#) Draft Minutes from the Advisory Planning Commission, July 17, 2018

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Adopted Minutes from the Advisory Planning Commission, June 19, 2018, Adopted Minutes from the APC Design Review Committee, July 11, 2018 and Draft Minutes from the Advisory Planning Commission, July 17, 2018 be received. Carried unanimously.

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

Moved by Councillor Hundleby, seconded by Councillor Brame: (1) That the 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, be received; and

(2) That the Council of the Township of Esquimalt give consent to the adoption of Capital Regional District Bylaw No. 4255, Arts and Culture Support Service Establishment Bylaw No. 1, 2001, Amendment Bylaw No. 5, 2018 in accordance with Section 346 of the Local Government Act. Carried Unanimously.

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

Moved by Councillor Brame, seconded by Councillor Morrison: That the Letter from Colin Evans, Scouts Canada - Greater Victoria Area, dated August 1, 2018, Re: 2018 Apple Day be received and approve the request to allow Scouts Canada 2018 Apple Day fund-raising drive scheduled for September 22nd and September 29th, 2018, between 9:00 am and 4:00 PM within Esquimalt. Carried Unanimously.

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

Moved by Councillor Hundleby, seconded by Councillor Morrison: That the Petition received August 14, 2018, Re: Protection for Esquimalt's Low-Income Renters be received. Carried Unanimously.

11. NOTICE OF MOTION

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

The Notice of Motion was referred to the Regular Council meeting on August 27, 2018 for discussion.

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.

Doug Scott, *resident*, in support of the opportunity to address Council within a respectful and safe environment.

Lynda O' Keefe, *resident*, encouraged all to attend the Photography Show in the library starting September 1st.

13. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 10:04 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 17TH DAY OF SEPTEMBER, 2018

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT