



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final Council

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

Monday, November 16, 2015

7:00 PM

Esquimalt Council Chambers

Present: 7 - Mayor Barbara Desjardins
Councillor Meagan Brame
Councillor Beth Burton-Krahn
Councillor Lynda Hundleby
Councillor Olga Liberchuk
Councillor Susan Low
Councillor Tim Morrison

Staff: Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering & Public Works
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Karen Hays, Planner
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.

2. LATE ITEMS

The following late items were added to the agenda:

**Pertaining to Agenda Item 7. STAFF REPORTS (5) Development Variance
Permit No. DVP00039, 712 Warder Place, Staff Report DEV-15-058**

- Letter from Kathleen and John Bok, dated November 12, 2015, Re:
Variance Application for 712 Warder Place
- Letter from Dave and Gloria Pollard, received November 10, 2015, Re:
Development Variance Permit Notice, 712 Warder Place

**Pertaining to Agenda Item 7. STAFF REPORTS (10) West Bay
Neighbourhood Design Guidelines - Results of Public Consultation, Staff
Report DEV-15-065**

- West Bay Triangle Development Guidelines - Record of Community Consultation & Concept Development for The Westbay Triangle - Hillel Architecture Inc. (Assembled April 15, 2015)
- Letter from Peter Hardcastle, Hillel Architecture Inc., dated November 9, 2015, Re: Stakeholder Commentary on Advanced Release of the Westbay Community Development Guidelines

- Email from Carole Witter, dated November 15, 2015, Re: West Bay Neighbourhood Design Guidelines

Pertaining to Agenda Item 9. COMMUNICATIONS (6) Email from Dan Dagg, Greater Victoria Development Agency, dated November 9, 2015, Re: November 7th Meeting Follow Up

- Email from Dallas Gislason on behalf of Dan Dagg, dated October 9, 2015, Re: Presentation and Discussion About the Future of the Region's Economy (November 7, 2015)
- Email from Mayor Barbara Desjardins, dated November 15, 2015, Re: Proposed Motion to Councils (from November 7, 2015 Meeting Re: Region's Economy)

Agenda Item 7. STAFF REPORTS (2) Bylaw Notice Enforcement Amendment, Staff Report CSS-15-01 was referred to the next meeting.

3. APPROVAL OF THE AGENDA

Mayor Desjardins acknowledged DND, Esquimalt Legion, Marilyn Day and staff for their collaboration towards the Remembrance Day Event.

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

4. MINUTES

- 1) [15-525](#) Minutes of the Regular Meeting of Council, October 26, 2015
- 2) [15-526](#) Minutes of the Special Meeting of Council, November 2, 2015
- 3) [15-527](#) Minutes of the Regular Meeting of Council, November 2, 2015

Moved by Councillor Brame, seconded by Councillor Liberchuk: That the Minutes of the Regular Meeting of Council, October 26, 2015, Minutes of the Special Meeting of Council, November 2, 2015 and Minutes of the Regular Meeting of Council, November 2, 2015 be adopted. Carried Unanimously.

5. PRESENTATIONS

- 1) [15-523](#) Dan Dagg, Greater Victoria Development Agency, Economic Development

This Presentation was deferred to the next Regular Council meeting, scheduled for December 7, 2015.

- 2) [15-524](#) Michael Lowry, Western Canada Marine Response Organization, Marine Oil Spill Response on the West Coast

Michael Lowry, Communications Manager, Western Canada Marine Response Organization provided an overview of the West Coast Marine Oil Spill Response process, presented a PowerPoint Presentation and responded to questions from Council.

6. PUBLIC INPUT (On items listed on the Agenda)**Excluding items which are or have been the subject of a Public Hearing.**

Mark Lindholm, resident, expressed concerns regarding Zoning Bylaw 2050 Amendment and 30 metre marine set back.

Murray Boyce, resident, opposed to the Township purchasing more Public Art.

Sharon Hewitt, resident and Strata President, encouraged Council to approve DVP00038 for 1019 Colville Road.

Muriel Dunn, resident, opposed to the Township purchasing further Public Art.

RJ Senko, Vice President, Esquimalt Chamber of Commerce, expressed concerns regarding Economic Development in the Community.

7. STAFF REPORTS***Administration***

- 1) [15-485](#) 2016 Council Meeting Schedule, Staff Report ADM-15-039

Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: That Council approve the 2016 Regular Meeting Schedule of Council and Committee of the Whole as attached to Staff Report No. ADM-15-039. Carried Unanimously.

Community Safety Services

- 2) [15-455](#) Bylaw Notice Enforcement Bylaw Amendment, Staff Report CSS-15-018

This Staff Report was deferred to the next Regular Council meeting, scheduled for December 7, 2015.

Finance

- 3) [15-506](#) Funding for Public Art Purchase, Staff Report FIN-15-019

Director of Financial Services and Chief Administrative Officer responded to questions from Council.

Council comments included (Staff response in italics):

Are we purchasing an original piece of art? *Mayor Desjardins advised, the original piece has been sold, however the artist will produce a variation of the original.*

Remaining amount in the Contingency Fund? *Approximately \$13,000 used to date.*

Public Art Reserve Fund has not been part of the Annual budget in the last three years. Council determines the amount to be included in the budget under the Arts Policy.

Status of the Arts Policy? *Arts Policy Review will be brought forward to Committee of the Whole by January 2016.*

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk: That Council fund the purchase the piece of public art, "The Pearl" By Fred Dobbs, with \$2,000 currently held in the deferred revenue account with the remainder allocated from the 2015 Contingency. Carried.

In Favour: 4 - Mayor Desjardins, Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Morrison

Opposed: 3 - Councillor Brame, Councillor Hundleby, and Councillor Low

4) [15-512](#) 2016-2020 Financial Plan and Budget Schedule, Staff Report FIN-15-020

Director of Financial Services provided an overview of the 2016-2020 Financial Plan and Budget schedule and outlined opportunities for Public Input.

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council approve the 2016-2020 Financial Plan and Budget Schedule attached to Staff Report FIN-15-020. Carried Unanimously.

Development Services

5) [15-503](#) DEVELOPMENT VARIANCE PERMIT No. DVP00039, 712 Warder Place, Staff Report DEV-15-058

Director of Development Services provided an overview of Development Variance Permit No. DVP00039, 712 Warder Street, Staff Report DEV-15-058 and responded to questions from Council.

Moved by Councillor Liberchuk, seconded by Councillor Burton-Krahn: That Council resolves that Development Variance Permit No. DVP00039 authorizing the construction as shown on the architectural plans prepared by Josh Collins, stamped "Received September 29, 2015" [attached as Schedule 'A'] and as sited on the survey plan prepared by Wey Mayenburg Land Surveying Inc., stamped 'Received September 29, 2015' [attached as Schedule 'B'] and including the following relaxations to Zoning Bylaw, 1992, No. 2050 be approved, and staff be directed to issue the permit and register the notice on the title of

PID 001-558-675, Lot 14, Sections 10 and 11, Esquimalt District, Plan 42363 [712 Warder Place]

* Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) Rear Setback: a 4.42 metre reduction to the required 7.5 metre rear setback [i.e. from 7.5 metres to 3.08 metres] to the eastern rear setback as detailed on the survey plan attached as Schedule 'B'.

* Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) Rear Setback: a 4.23 metre reduction to the required 7.5 metre rear setback [i.e. from 7.5 metres to 3.27 metres] to the western rear setback, as detailed on the survey plan attached as Schedule 'B'. Carried Unanimously.

- 6) [15-505](#) Development Variance Permit No. DVP00038, 1019 Colville Road,
Staff Report DEV-15-059

Director of Development Services provided an overview of Development Variance Permit No. DVP00038, 1019 Colville Road, Staff Report DEV-15-059 and responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Brame: That Council resolves that Development Variance Permit No. DVP00038 authorizing the construction as shown on the plans prepared by Andrew Akehurst and Lys Hermanski, stamped 'Received September 25, 2015' [attached as Schedule 'A'] and as sited on the survey plan prepared by Powell & Associates, stamped 'Received October 1, 2015' [attached as Schedule 'B'] and including the following relaxations to Zoning Bylaw, 1992, No. 2050, be approved, and staff be directed to issue the permit and register the notice on title of PID 006-328-661, Amended Lot 10, (DD 114302-I), Block 20, Section 10, Esquimalt District, Plan 2546 [1019 Colville Road].

* Zoning Bylaw, 1992, No. 2050, Section 34(9)(b)(ii) - Side Setback - Accessory Building: a 0.9 metre reduction to the required 1.5 metre side setback [i.e. from 1.5 metres to 0.6 metres].

* Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(ii) - Side Setback - Principal Dwelling: a 0.75 metre reduction to the required 1.5 metre side setback [i.e. from 1.5 metres to 0.75 metres] for the principal dwelling. Carried Unanimously.

- 7) [15-513](#) Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales, Staff Report No. DEV-15-063

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk: That Council receive Staff Report DEV-15-063 Re: Draft Minister's Bylaw Standards on Agri-tourism and Farm Retail Sales, for information. Carried Unanimously.

- 8) [15-517](#) Interim Amendment to Zoning Bylaw 1992, No. 2050 – Amendment Bylaw No. 2861, Staff Report: DEV-15-062

Director of Development Services and Municipal Planner responded to questions from Council.

Council comments included (Staff response in italics):

* Secondary Suites and rental income opportunities

* Business Licences

* 30 Metre Set backs

* Public Hearing Procedures. *Notification of Public Hearing will be advertised in the Local Newspaper, as per The Local Government Act as number of owners exceed 10, therefore notices are not required to be mailed to individual owners.*

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council resolves that AMENDMENT BYLAW NO. 2861 attached as Appendix 'A' to Staff Report DEV-15-062, which would amend Zoning

Bylaw, 1992, No. 2050, by replacing text and figures as detailed in the content of the amending bylaw be considered for first and second reading; and

That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Amendment Bylaw No. 2861, and advertise for same in the local newspaper.

Moved by Councillor Liberchuk, seconded by Councillor Brame: That the Main Motion be amended to delete Section 23 (6) of the proposed Interim Amendment to Zoning Bylaw, 1992, No 2050 - Amendment Bylaw No.2861. Carried.

In Favour: 4 - Councillor Brame, Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Low

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

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

9) [15-519](#) DEVELOPMENT VARIANCE PERMIT - 513 Sturdee Street [PID 006-375-201, Lot 53, Suburban Lot 53, Esquimalt District, Plan 2854], Staff Report: DEV-15-061

Moved by Councillor Low, seconded by Councillor Brame: That Council resolves that this application for Development Variance Permit No. DVP00041 [Appendix A] shall not be referred to the Advisory Planning Commission; and That Council, having considered Section 5.2.1 (a) of the Official Community Plan, resolves that Development Variance Permit No. DVP00041 [Appendix A], authorizing the following relaxations to Subdivision and Development Control Bylaw, 1997, No. 2175 be approved, and staff be directed to issue the permit and register the notice on the title of PID 006-375-201, Lot 53, Suburban Lot 53, Esquimalt District, Plan 2854 [513 Sturdee Street]:

- * Section 14.01 Underground wiring - The owner of 513 Sturdee Street will not be required to install underground wiring for the new two-unit dwelling.

- * Schedule E - 5.01(c) - The connections for electrical power, telephone and television communications not be required to be installed underground. Carried Unanimously.

10) [15-522](#) West Bay Neighbourhood Design Guidelines - Results of Public Consultation, Staff Report DEV-15-065

Director of Development Services responded to questions from Council.

Comments from Council included:

- * Height of Building
- * Comparison of wood and concrete buildings
- * Acknowledged residents for their input
- * Shadow on adjacent neighbours

Moved by Councillor Hundleby, seconded by Councillor Brame: That Council adopt the West Bay Neighbourhood Design Guidelines (Schedule "A" to Staff Report DEV-15-065) by resolution with the following changes:

- 1) The addition of a note on page 21 (Height): "Six (6) stories may be allowed on the Triangle Lands where it is clearly demonstrated that the siting of the building and the additional storey does not significantly increase the sun shadow beyond what is contemplated by these guidelines based on the "Conceptual Siting, Form and Massing" illustrated on page 33".
- 2) Add the word "historical" between "built" and "and" in the last sentence of the Vision on page 7.
- 3) Change the word "waterfront" to "harbourfront" throughout the document.
- 4) Delete the reference to "public phone" on page 24.
- 5) Change the description in the caption on page 31 from "northeast" to "southeast".
- 6) That the text for the final bullet on page 16 be amended to indicate that "sun shade diagrams for the Winter Solstice will be required only when significant impacts are expected such as shading solar panels."
- 7) That the concept of "urban village" be used where appropriate to clarify meaning. Carried Unanimously.

8. MAYOR'S AND COUNCILLORS' REPORTS

There were no Mayor or Councillors' reports.

9. COMMUNICATIONS

- 1) [15-529](#) Letter from Kevin Murdoch, Chair, Greater Victoria Public Library Board, dated October 28, 2015, Re: 2016 Budget and Five Year Financial Plan - Provisional

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Letter from Kevin Murdoch, Chair, Greater Victoria Public Library Board, dated October 28, 2015, Re: 2016 Budget and Five Year Financial Plan - Provisional be received. Carried Unanimously.

- 2) [15-530](#) Letter from Minister Peter Fassbender, Ministry of Community, Sport and Cultural Development and Minister Responsible for Translink, dated November 5, 2015, Re: Service and Governance Integration in the Capital Region

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That the Letter from Minister Peter Fassbender, Ministry of Community, Sport and Cultural Development and Minister Responsible for Translink, dated November 5, 2015, Re: Service and Governance Integration in the Capital Region, be received for information. Carried Unanimously.

- 3) [15-531](#) Email from Bill Rowe, dated November 1, 2015, Re: Council Meeting - November 2, 2015 - Agenda Item 6(9) - Rezoning Application - 322 Plaskett Place - Omission of Neighbours' Letters and Materials

- 4) [15-532](#) Email from Bill Rowe, dated November 5, 2015, Re: Letter from Neighbour Jennifer Halbert
- 5) [15-533](#) Letter from Marianne Kimmitt and Bill Rowe, dated November 9, 2015, Re: Proposed Rezoning of 322 Plaskett Place - Discussion Points Update - November 2015

Moved by Councillor Liberchuk, seconded by Councillor Burton-Krahn: That the Email from Bill Rowe, dated November 1, 2015, Re: Council Meeting - November 2, 2015 - Agenda Item 6 (9) - Rezoning Application - 322 Plaskett Place - Omission of Neighbours' Letters and Materials, Email from Bill Rowe, dated November 5, 2015, Re: Letter from Neighbour Jennifer Halbert and Letter from Marianne Kimmitt and Bill Rowe, dated November 9, 2015, Re: Proposed Rezoning of 322 Plaskett Place - Discussion Points Update - November 2015 be received and forwarded to staff for information. Carried Unanimously.

- 6) [15-528](#) Email from Dan Dagg, Greater Victoria Development Agency, dated November 9, 2015, Re: November 7th Meeting Follow Up

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council defer the Email from Dan Dagg, Greater Victoria Development Agency, dated November 9, 2015, Re: November 7th Meeting Follow Up, to the next Regular Council meeting scheduled for December 7, 2015. Carried Unanimously.

10. RISE AND REPORT

- 1) [15-515](#) Appointment to Advisory Planning Commission

Mayor Desjardins read the following:

1) Appointment to Advisory Planning Commission. Council passed the following Motion at the In Camera meeting held on November 2, 2015:

"That Council appoint Graeme Dempster to the Advisory Planning Commission, effective immediately for the term ending June 30, 2017, and that Council rise and report on the appointment."

11. PUBLIC QUESTION AND COMMENT PERIOD

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

Lynda O' Keefe, Esquimalt Photography Club, advised of the upcoming Themed Photo Show commencing December 1, 2015 in the Esquimalt library.

Marilyn Day, resident, acknowledged an increase in attendance during the Remembrance Day event and thanked the Parks and Recreation Department.

12. ADJOURNMENT

Moved by Councillor Morrison, seconded by Councillor Low: That the Regular Council meeting be adjourned at 8:44 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 7TH DAY OF DECEMBER, 2015

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT