



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Draft

Council

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

Monday, July 16, 2018

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: Scott Hartman, Acting Chief Administrative Officer
Bill Brown, Director of Development Services
Anja Nurvo, Director of Corporate Services
Will Wieler, Manager of Engineering
Lui Carvello, Consulting Professional Registered Planner and
Municipal Solicitor
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 encouraged attendance at Memorial Park MusicFest for
this week and advised of the earlier start time of 6:00 PM.

2. LATE ITEMS

The following 11 late items were added to the agenda:

- (1) Pertaining to Agenda Item 7. **STAFF REPORTS:** (4) Official Community
Plan Amendment and Rezoning (Comprehensive Development District No.
23) - 1379 Esquimalt Road/520 Foster Street (St. Peter and St. Paul's Church),
Staff Report DEV-18-050:
- Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2933, revised
 - Email from Karen Saunders dated July 12, 2018, Re: Church of St.
Peter and St. Paul
 - Email from Peter Ryan dated July 12, 2018, Re: church presentation
 - Email from David Anderson dated July 12, 2018, Re: St. Paul's Naval
and Garrison Church (St. Peter's and St. Paul's)
 - Email from Sherri Robinson dated July 13, 2018, Re: Further information

- Email from Hilary Groos dated July 13, 2018, Re: St. Peter's & St. Paul's development proposal
- Email from Mark Aitken dated July 13, 2018, Re: St. Peter & St. Paul's, 1379 Esquimalt Road
- Letter from Heritage BC dated July 14, 2018, Re: Item 18-312 OCP Amendment and Rezoning 1379 Esquimalt / 520 Foster Street
- Email from Dorothy Mindenhall dated July 15, 2018, Re: Item 18-312 OCP Amendment and Rezoning 1379 Esquimalt / 520 Foster Street
- Email from Jennifer Nell Barr dated July 15, 2018, Re: Item 18-312 OCP Amendment and Rezoning 1379 Esquimalt Road / 520 Foster Street - St. Peter and St. Paul's Church

- (2) Pertaining to Agenda Item 7. **STAFF REPORTS:** (6) Council consideration of application to amend Official Community Plan and Zoning Bylaw to allow for development of 12-storey building, 899 Esquimalt Road and 896 Wollaston Street, Staff Report DEV-18-053:
- Letter from Lexi Development Group Inc. dated July 13, 2018, Re: Request to withdraw submission re 899 Esquimalt Road from July 16, 2018 Council agenda

3. APPROVAL OF THE AGENDA

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

4. MINUTES

- 1) [18-321](#) Minutes of the Special Meeting of Council, July 9, 2018
- 2) [18-324](#) Minutes of the Regular Meeting of Council, July 9, 2018

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Minutes of the Special Meeting of Council, July 9, 2018 and Minutes of the Regular Meeting of Council, July 9, 2018 be adopted as circulated. Carried Unanimously.

5. PUBLIC HEARING

The Public Hearing is to afford all persons who deem their interest in property affected by the Bylaw an opportunity to be heard or to present written submissions before the Municipal Council on matters contained in the Bylaw.

- 1) [18-314](#) Notice of Public Hearing - Rezoning Application, 1182 Colville Road, Unit 15
- 2) **Background Information - Available for Viewing Separately**
- 3) **Director of Development Services - Overview of Application**
 - a) [18-310](#) Zoning Text Amendment -1182 Colville Road, Unit 15, Staff Report DEV-18-049

Director of Development Services provided an overview of rezoning application for Unit 15- 1182 Colville Road to allow 5 permitted uses of

space and responded to questions from Council.

4) Applicant or Authorized Representative - Overview of Application

Heather Boness, applicant, provided an overview of proposed plans for the space as a multi-use arts and wellness teaching centre and responded to questions from Council.

5) Public Input

Lee Milhalcheon, *resident*, expressed concerns with future tax base due to new business and limited parking options in neighbourhood.

6) Adjournment of Hearing

Mayor Desjardins declared the Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2931 closed at 7:14 PM.

7) Consideration of Staff Recommendation

Moved by Councillor Low, seconded by Councillor Morrison: That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2931 [Appendix A], which would amend the Zoning Bylaw, 1992, No. 2050, Comprehensive Development District No. 57 zoning regulations to allow additional commercial uses at 1182 Colville Road – Unit 15 [PID 026-875-683; Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V] be given third reading and adoption. Carried Unanimously.

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

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

Sue Donaldson, *resident*, expressed concerns regarding heritage designation, significance of building to community and relevance to Bylaw No. 2377.

Licette How, *resident*, in support of proposed development for affordable social housing for seniors at 1379 Esquimalt Road .

Sharon Wickware, *non-resident*, in support of affordable social housing for seniors at 1379 Esquimalt Road and outreach program offered by the Ministry centre.

Lon Towstego, *resident*, in support of proposed development at 1379 Esquimalt Road and importance of heritage significance to the community.

Hillary Groos, *non-resident*, expressed concerns regarding increased access points to church and impact to windows pertaining to proposed development at 1379 Esquimalt Road.

Helen Cave, *resident*, in support of proposed housing development at 1379 Esquimalt Rd including church office space.

Jan Ross, *non-resident*, expressed concerns regarding impact to heritage designation, conservation and preservation.

Peter Saunders, *resident*, expressed concerns regarding impact of heritage values of the site, bell tower and window plans pertaining to proposed development at

1379 Esquimalt Road.

Cameron Bailey, *resident*, expressed concerns regarding parking and egress from proposed development at 1379 Esquimalt Road and impact to neighbourhood.

Rod Hughes, *non-resident*, expressed concerns with the joining of the current and proposed buildings and impact to the stained glass windows.

Ken Johnson, *non-resident*, in opposition to proposed development at 1379 Esquimalt Road and suggested removing the breezeway to preserve the stained glass windows.

Madeleine Huber, *non-resident*, in support of additional housing however, opposed to development design and impact to heritage building pertaining to 1379 Esquimalt Road.

Peter Saunders, *resident*, in support of housing options for the proposed development at 1379 Esquimalt Road and encouraged consideration of the spiritual needs of the community.

Muriel Dunn, *resident*, in support of additional housing however opposed to joining heritage building and proposed housing building at 1379 Esquimalt Road.

Janet McDonald, *resident*, encouraged Council to consider all options and comments regarding proposed development for 1379 Esquimalt Road.

Darwin Robinson, *resident*, expressed concerns with impact to sightlines from dockyard and heritage designation and encouraged Council to revisit 1999 proposal for development at 1379 Esquimalt Road

Sherri Robinson, *resident*, expressed concerns regarding impact of heritage site and proposed breezeway for proposed development at 1379 Esquimalt Road.

Angeline Frebe, *non-resident*, suggested church diocese should have long term business plan and new proposed building should complement existing building.

Brian Groos, *non-resident*, expressed concerns with proposed breezeway at 1379 Esquimalt Road and impact to heritage designation.

Russ Lazarick, *non-resident*, in support of additional housing options in community however, expressed concerns with proposed breezeway and impact to heritage designation for church at 1379 Esquimalt Road.

Terry Prentice, *resident*, encouraged Council to move proposed development for 1379 Esquimalt Road forward to Public Hearing for further public input.

Mark Aitken, *resident*, acknowledged the need for a Heritage Advisory Committee to provide valuable input to Council with heritage projects.

7. STAFF REPORTS

Engineering and Public Works

- 1) [18-315](#) Various Civil Projects 2018 Tender Award, Staff Report EPW-18-025

Manager of Engineering responded to questions from Council.

Moved by Councillor Liberchuk, seconded by Councillor Hundleby: That the contract for the Various Capital Projects 2018 be awarded to Five Star Paving for \$592,518.95 with an amount of \$130,000 being reallocated from the Tillicum Road Intersection Project (Community Works Account) to fund this contract. Carried Unanimously.

- 2) [18-317](#) 900 Block Lyall Street Parking Restriction, Staff Report EPW-18-026

Moved by Councillor Brame, seconded by Councillor Morrison: That Council approves the implementation of Traffic Order 1290 "Residential Parking Only" along Lyall Street, north side between Paradise Street and Gore Street, as set out in Staff Report EPW-18-026. Carried Unanimously.

Development Services

- 3) [18-311](#) Development Variance Permit - 1173 Old Esquimalt Road, Staff Report DEV-18-050

Director of Development Services and Jay Meyer, applicant, responded to questions from Council including concerns regarding removal of trees and privacy.

Moved by Councillor Liberchuk, seconded by Councillor Burton-Krahn: The Council resolves that Development Variance Permit No. DVP00078 [Appendix A] authorizing the construction of a new deck and legitimizing the portion of the existing dwelling currently encroaching into the rear setback, as shown on plans prepared by Jay Meyer, stamped "Received June 4, 2018" and site plan prepared by Island Land Survey LTD, stamped "Received June 4, 2018" including the following variances to Zoning Bylaw 1992, No.2050, be approved, and staff be directed to issue the permit and register the notice on title of the property located at PID: 018-183-298, Lot 2, Section 11, Esquimalt District, Plan VIP56221 [1173 Old Esquimalt Road]:

(1) Zoning Bylaw, 1992, No. 2050, Section 35. (10)(a)(iii) - Setback Requirements - Principal Building- A 3.8 metre decrease to the requirement that no principal building be located within 7.5 metres of a Rear Lot Line, specifically for the deck located at the rear of the principal building. [i.e. from 7.5 metres to 3.7 metres]

(2) Zoning Bylaw, 1992, No. 2050, Section 35. (10)(a)(iii) - Setback Requirements - Principal Building- A 0.1 metre decrease to the requirement that no principal building be located within 7.5 metres of a Rear Lot Line, specifically for the portion of the home located at the south east corner of the property already in the rear setback [i.e from 7.5 metres to 7.4 metres].

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Main Motion be amended to separate Part (1) and Part (2). Carried.

Opposed: 1 - Councillor Burton-Krahn

The vote was taken on Part (1) of the Main Motion and declared Defeated.

In Favour: 3 - Mayor Desjardins, Councillor Burton-Krahn, and Councillor Liberchuk

Opposed: 4 - Councillor Brame, Councillor Hundleby, Councillor Low, and Councillor Morrison

The vote was taken on Part (2) of the Main Motion and declared Carried Unanimously.

- 4) [18-312](#) Official Community Plan Amendment and Rezoning (Comprehensive Development District No. 23) - 1379 Esquimalt Road / 520 Foster Street (St. Peter and St. Paul's Church), Staff Report DEV-18-050

Director of Development Services provided an overview of Official Community Plan Amendment and Rezoning application for 1379 Esquimalt Road/ 520 Foster Street and advised a Heritage Alteration Permit Application will be brought forward in the future and responded to questions from Council.

Municipal Solicitor provided clarity for legislative requirements and responded to questions from Council.

Deane Strongitharm, Applicant, CitySpaces Consulting introduced Peter Daniel, Asset Manager of the Anglican Arch Diocese of BC and Barry Cosgrove, Number Ten Architectural Group, who provided an overview of application, presented a PowerPoint Presentation and responded to questions from Council.

Municipal Solicitor recommended amending Part C of Housing Agreement as attached to Bylaw No. 2935 to read as follows: *C. "The owner has made an application to the Township for an Official Community Plan and Zoning Bylaw Amendment to permit the construction of an apartment building (the "Apartment Building") containing 24 Dwelling Units."*

Moved by Councillor Brame, seconded by Councillor Low:

(1) That Council resolves that Bylaw No. 2932 attached as Appendix 'A' to Staff Report DEV-18-050, which would amend Official Community Plan Bylaw, 2018, No. 2922 by adding a new section to 'Section 5 Housing and Residential Land Use', changing Schedule 'A' being the 'Present Land Use Designations' map, Schedule 'B' being the 'Proposed Land Use Designations' map, thereby changing the designation of 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] shown cross-hatched on Schedule 'A', from 'Institutional' to 'St. Peter and St. Paul's' be given first and second reading; and

(2) That Council resolves that Bylaw No. 2933 as amended and attached as Appendix 'B' to Staff Report DEV-18-050, which would amend Zoning Bylaw, 1992, No. 2050 by changing Comprehensive Development District No. 23 [CD No. 23] (the existing zoning designation) of 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] shown cross-hatched on Schedule 'A', to accommodate a new ministry centre with twenty-four (24) residential units above, be given first and second reading. Carried.

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

Opposed: 3 - Councillor Burton-Krahn, Councillor Hundleby, and Councillor Morrison

Moved by Councillor Liberchuk, seconded by Councillor Low:

(3) That Council resolves that Housing Agreement (1379 Esquimalt Road/ 520 Foster Street) Bylaw, 2018, No. 2935 attached as Appendix 'C' to Staff Report DEV-18-050, for 1379 Esquimalt Road / 520 Foster Street, [PID 024-848-905; Lot A (DD EP75276), Suburban Lot 27, Esquimalt District, Plan 5092] as amended, be given first, second, and third readings; and

(4) That Council authorizes the Corporate Officer to schedule a public hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2018, No. 2932 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2933 as amended and to advertise for same in the local newspaper. Carried Unanimously.

The meeting recessed at 9:19 PM and reconvened at 9:25 PM with all members of Council present.

- 5) [18-316](#) Omnibus Zoning Bylaw Amendments, Staff Report DEV-18-048

Moved by Councillor Liberchuk, seconded by Councillor Low: That Council resolves that Schedule "A" of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938 be amended to include "Group Children's Daycare". Carried Unanimously.

Moved by Councillor Liberchuk, seconded by Councillor Low: That Council resolves that "Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938" attached as Schedule "A" as amended with the inclusion of "Group Children's Daycare" to Staff Report DEV-18-048, which would amend Zoning Bylaw, 1992, No. 2050, by replacing text and figures as detailed in the contents of the amending bylaw be given first and second reading; and

That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938, and advertise the same in the local newspaper. Carried Unanimously.

- 6) [18-318](#) Council consideration of application to amend Official Community Plan and Zoning Bylaw to allow for development of 12-storey building, 899 Esquimalt Road and 896 Wollaston Street, Staff Report DEV-18-0

This Item was removed from the agenda.

Director of Development Services left the meeting at 9:34 PM.

- 7) [18-328](#) Rezoning Application - 669 Constance Avenue, Staff Report DEV-18-055

Consulting Professional Registered Planner advised a Section 219 covenant had been voluntarily registered by the applicant at the Land Titles Office and responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Liberchuk: That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915, attached to Staff Report DEV-18-055 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 669 Constance Avenue [PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2915, from a mix of RM-1 [Multiple Family Residential] and RM-4 [Multiple Family Residential] Zone to CD No. 107 [Comprehensive Development District No. 107], be adopted. Carried.

In Favour: 6 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, Councillor Liberchuk, Councillor Low, and Councillor Morrison

Opposed: 1 - Councillor Burton-Krahn

- 8) [18-329](#) Housing Agreement Bylaw - 669 Constance Avenue, Staff Report DEV-18-054

Moved by Councillor Brame, seconded by Councillor Liberchuk: That Council resolves that Housing Agreement Bylaw, 2018, No. 2937, attached as Appendix A of Staff Report DEV-18-054, for 669 Constance Avenue, be adopted. Carried.

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

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

8. BYLAWS

- 1) [18-320](#) Fees and Charges (Miscellaneous Bylaw), 2016, No. 2874, Amendment [No. 2], 2018, No. 2939 - For Adoption

Moved by Councillor Liberchuk, seconded by Councillor Brame: That Fees and Charges (Miscellaneous Bylaw), 2016, No. 2874, Amendment [No. 2], 2018, No. 2939 be adopted. Carried Unanimously.

- 2) [18-322](#) Inter-Community Business Licence Bylaw, 2018, No. 2934 - For Adoption

Moved by Councillor Hundleby, seconded by Councillor Morrison: That Inter-Community Business Licence Bylaw, 2018, No. 2934 be adopted. Carried Unanimously.

9. MAYOR'S AND COUNCILLORS' REPORTS

- 1) [18-323](#) FCM 2018 Report - Councillor Hundleby

Moved by Councillor Hundleby, seconded by Councillor Liberchuk: That the FCM 2018 Report by Councillor Hundleby be received. Carried Unanimously.

10. REPORTS FROM COMMITTEES

- 1) [18-313](#) Adopted Minutes from the APC Design Review Committee, May 9, 2018
- 2) [18-330](#) Draft Minutes from the Advisory Planning Commission, May 15, 2018
- 3) [18-331](#) Adopted Minutes of the APC Design Review Committee, June 13, 2018

Moved by Councillor Morrison, seconded by Councillor Hundleby: That the Adopted Minutes from the APC Design Review Committee, May 9, 2018, Draft Minutes from the Advisory Planning Commission, May 15, 2018 and Adopted Minutes of the APC Design Review Committee, June 13, 2018 be received. Carried Unanimously.

11. COMMUNICATIONS

- 1) [18-325](#) Email from Jennifer Nichols, Community Outreach Coordinator, Capital Regional District, dated July 9, 2018, Re: CRD Funded Arts Events & Initiatives (Project, Equity & Incubator Grants 2018)

Moved by Councillor Brame, seconded by Councillor Morrison: That the Email from Jennifer Nichols, Community Outreach Coordinator, Capital Regional District, dated July 9, 2018, Re: CRD Funded Arts Events & Initiatives (Project, Equity & Incubator Grants 2018) be received. Carried Unanimously.

- 2) [18-326](#) Email from Nigel D Brodeur, dated July 11, 2018, Re: St. Peter's St. Paul's APC Presentation & Rezoning
- 3) [18-327](#) Letter from Keven and Carin Elder, dated July 11, 2018, Re: Development Variance Permit Request for 1173 Old Esquimalt Road

Moved by Councillor Hundleby, seconded by Councillor Liberchuk: That the Email from Nigel D Brodeur, dated July 11, 2018, Re: St. Peter's St. Paul's APC Presentation & Rezoning and Letter from Keven and Carin Elder, dated July 11, 2018, Re: Development Variance Permit Request for 1173 Old Esquimalt Road be received. Carried Unanimously.

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.

Sherri Robinson, *resident*, expressed concerns with scheduling Public Hearings during Summer months due to availability of residents.

Lynda O' Keefe, *resident*, reminded Council of the earlier start time tomorrow for Memorial Park MusicFest.

Helen Cave, *resident*, encouraged consideration of independent and assisted living housing opportunities in Esquimalt.

Doug Scott, *resident*, appreciates the hard work of Council.

13. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:49 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS date DAY OF month, 2018

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT