



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Draft

### Council

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

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Monday, August 21, 2017

7:00 PM

Esquimalt Council Chambers

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Councillor Morrison via conference call.

**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:** Jeff Miller, Acting CAO & Director of Engineering & Public Works  
Bill Brown, Director of Development Services  
Anja Nurvo, Director of Corporate Services  
Chris Jancowski, Fire Chief  
Karen Hay, Municipal 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.

Mayor Desjardins acknowledged the passing of Esquimalt residents Cheri-Lou Rice and Kathleen Robinson and their contributions to the community.

#### 2. LATE ITEMS

The following late items were added to the agenda:

- (1) Pertaining to Agenda Item 8. **STAFF REPORTS:** (1) Proposed Redevelopment of Hither Green Park, (2) Traffic Order 1257 - Bewdley Ave "Hither Green Park" Parking Restriction, and (3) Development Permit, Development Variance Permit & Heritage Alteration Permit - 429 Lampson Street:
- Letter from Neil Brown & Colleen Ryan, received August 18, 2017, opposed
  - Letter from Lorraine Nygaard, received August 18, 2017, opposed
  - Letter from Marc Labelle, received August 20, 2017, opposed

- Email from Morlene Tomlinson, received August 21, 2017, in support
- Email from Marina Smith, received August 21, 2017, opposed
- Letter from Michael Hutchison, solicitor for Scott and Diana Banister, received Aug 21, 2017, opposed
- Petition opposed to Hither Green Park, containing the following statement:  
"We, the following undersigned Esquimalt residents and taxpayers call on Council to reject the use of Hither Green Park as a fire egress lane as proposed by Aragon Developments. We insist that the park, with playground equipment, remain in public hands as a vital green space for future generations. We request that council reject Aragon's current building application for 429 Lampson Street and invite a modified plan that better fits the site."
  - Petition #1 - received August 18, 2017 containing 65 signatures
  - Petition #2 - received August 21, 2017 containing 26 signatures
  - Petition #3 - received August 21, 2017, containing 29 signatures

### 3. APPROVAL OF THE AGENDA

Moved by Councillor Burton-Krahn, seconded by Councillor Hundleby: That the agenda be approved as amended with the inclusion of the late items. Carried Unanimously.

### 4. MINUTES

- 1) [17-330](#) Minutes of the Special Meeting of Council, July 17, 2017
- 2) [17-331](#) Minutes of the Regular Meeting of Council, July 17, 2017

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Minutes of the Special Meeting of Council, July 17, 2017 and Minutes of the Regular Meeting of Council, July 17, 2017 be adopted as circulated. Carried Unanimously.

### 5. PRESENTATIONS

- 1) [17-326](#) Presentation of Spirit Award

Mayor Desjardins presented a Volunteer Spirit Award to Marilyn Day, long-time Esquimalt resident, for her dedication and commitment to the community for many years.

Mayor Desjardins presented the Mayor's Coin to Marilyn Day's brother, Jack Bates, for his advocacy of Township Military history and his ongoing willingness to be an outstanding representative for Esquimalt.

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

1. Mary Lynn McKenna, Esquimalt Neighbourhood House Society, encouraged

Council to support funding for the Society.

2. Neil Brown, resident, opposed to proposed development at 429 Lampson Street and Hither Green Park.
3. Willow Easton, resident, expressed concerns with setbacks for proposed development at 429 Lampson Street and loss of green space at Hither Green Park.
4. Joanne Mickelson, resident, opposed to DP and DVP application for 429 Lampson Street and proposed fire lane access at Hither Green Park.
5. Linda Barnes, resident, opposed to DP and DVP application for 429 Lampson Street and proposed fire lane access at Hither Green Park.
6. Charles Hoeberehcts, resident, expressed concerns with proposed fire lane access at Hither Green Park and DVP application for 429 Lampson Street.
7. Colleen Ryan, resident, expressed concerns regarding property depreciation and parking due to proposed development at 429 Lampson Street and Hither Green Park.
8. Steve Williams, resident, opposed to proposed fire lane access and drainage concerns at Hither Green Park.
9. Scott Banister, resident, expressed concerns regarding size and impact of building shadow with proposed development at 429 Lampson Street.
10. Marjorie Sandercock, resident, expressed concerns regarding the size of the building, noise and traffic congestion and encouraged a community consultation process.
11. Josh Merrick, resident, encouraged Council to consider a revised application and not approve the current DP and DVP application for 429 Lampson Street.
12. Heidi Woods, resident, opposed to proposed development at Hither Green Park and expressed concerns regarding health and safety.
13. Rod Woods, resident, opposed to DP and DVP application for 429 Lampson Street and encouraged submission of revised plans without the loss of green space at Hither Green Park.
14. Ken Armour, resident, encouraged Council to consider the impact to residents with development in the community.
15. Joellen Morrison, resident, expressed concerns regarding impact on neighbours that border 429 Lampson Street and preservation of the Samuel McClure building.
16. Christina Morgan, resident, opposed to proposed fire lane access at Hither Green Park and expressed concerns regarding safety and environmental impact to residents.
17. Patricia Pakvis, resident, expressed health concerns and possible negative impact to the community in high density areas.
18. Hans McFarlane, resident, opposed to loss of green space at Hither Green Park and encouraged a community engagement process.
19. Marc Taghaoussi, resident, opposed to Hither Green Park losing green space due to proposed fire lane access and expressed concerns regarding the rezoning of 429 Lampson Street.
20. Dave Barnes, resident, expressed concerns regarding perimeter drainage, density and loss of Garry Oak trees with proposed development at 429 Lampson Street and Hither Green Park.

21. Marc Miller, resident, in support of proposed modifications to funding sources to Council Policy E&PW-01, The Township Guide to Traffic Calming.
22. Lorraine Nygaard, resident, encouraged consideration of alternate development options for 429 Lampson Street.
23. John Shields, resident, opposed to the proposed development at 429 Lampson Street.
24. Luke Ishizaki, non resident, opposed to the proposed development at 429 Lampson Street and Hither Green Park.
25. Kevin Ishizaki, resident, opposed to proposed fire lane access at Hither Green Park and future impact on community.
26. Marie Fideaux, resident, in support of Esquimalt back yard farmers being able to sell produce, including eggs from urban hens, within the community.

## 7. STAFF REPORTS

### *Development Services*

- 1) [17-315](#) Proposed Redevelopment of Hither Green Park, Staff Report DEV-17-047

Director of Development Services advised the applicant, Mr. Lenny Moy, Aragon Properties Ltd, and representatives were in attendance and were prepared to present a Presentation to Council.

Moved by Councillor Hundleby, seconded by Councillor Liberchuk: That Council allow the applicant, Mr. Lenny Moy and representatives to address Council. Carried.

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

Opposed: 1 - Councillor Burton-Krahn

Jessica Yarish, Merrick Architecture, and Carole Rossell, Small & Rossell Landscape Architects, provided an overview of proposed redevelopment of Hither Green Park and the English Inn property, presented a PowerPoint presentation and responded to questions from Council. Staff responded to questions from Council.

Moved by Councillor Burton-Krahn, seconded by Councillor Low: That Council not approve the redevelopment of Hither Green Park and notify Aragon that they will need to adjust their development permit application by finding an alternate emergency access. Carried.

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

Opposed: 2 - Mayor Desjardins, and Councillor Morrison

Moved by Councillor Liberchuk, seconded by Councillor Brame: That Council approve to extend the Regular Council meeting to 10:30 PM. Carried Unanimously.

The Regular Council meeting recessed at 9:39 PM and reconvened at 9:47 PM

with all members of Council present.

### **Engineering and Public Works**

- 2) [17-310](#) Traffic Order 1257 - Bewdley Avenue "Hither Green Park" Parking Restriction, Staff Report EPW-17-038

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That Council does not approve the implementation of Traffic Order 1257. Carried Unanimously.

### **Development Services**

- 3) [17-314](#) Development Permit, Development Variance Permit and Heritage Alteration Permit - 429 Lampson Street, Staff Report DEV-17-050

Moved by Councillor Liberchuk, seconded by Councillor Brame: That Council table Development Variance Permit No. DVP00049 [Appendix A] and Heritage Alteration Permit No. HAP00002 [Appendix B] and Development Permit No. DP000072 [Appendix C]; and advise the applicant to return with an amended fire access plan. Carried Unanimously.

- 4) [17-305](#) 2016 Climate Action Revenue Incentive Program, Staff Report DEV-17-046

Moved by Councillor Liberchuk, seconded by Councillor Burton-Krahn: That Council receive the 2016 Climate Action Revenue Incentive Program Report for information. Carried Unanimously.

Council directed staff to invite the BC Sustainable Energy Association to make a Presentation to Council at a future Council meeting.

Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: That Council direct staff to schedule this item at a future Committee of the Whole meeting for further discussion. Carried Unanimously.

- 5) [17-313](#) Development Permit and Development Variance Permit - 10 Phillion Place, Staff Report DEV-17-050

Director of Development Services responded to questions from Council.

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That Council allow applicant's representative, Duane Ensing, Villamar Design, to address Council. Carried Unanimously.

Moved by Councillor Burton-Krahn, seconded by Councillor Low: That Council resolves that Development Permit No. DP 000093 [Appendix A] authorizing the development as illustrated on the architectural drawings prepared by Villamar Design, stamped "Received July 14, 2017", the landscape plan prepared by Studio One Creative, stamped "Received July 6, 2017", and sited as detailed on the survey plan prepared by JE Anderson & Associates, stamped "Received June 27, 2017" 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 PID 002-540-169, Lot C, Section 2, Esquimalt District, Plan 27030 [10 Phillion Place]; and

That Council resolves that Development Variance Permit No. DVP00068 [Appendix B] authorizing the development as illustrated on the architectural drawings prepared by Villamar Design, stamped "Received July 14, 2017", and sited as detailed on the survey plan prepared by JE Anderson & Associates, stamped "Received June 27, 2017", and 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 the title of the property located at PID 002-540-169, Lot C, Section 2, Esquimalt District, Plan 27030 [10 Phillion Place]:

Zoning Bylaw, 1992, No. 2050, Section 36(6)(b) - Building Height - Accessory Building: A 0.34 metre increase to the requirement that no Accessory Building shall exceed a height of 3.6 metres [i.e. from 3.6 metres to 3.94 metres];

Zoning Bylaw, 1992, No. 2050, Section 36(9)(b)(i) - Siting Requirements - Accessory Building - Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building [i.e. one accessory building may be located in front of the front face of the Principal Building];

Parking Bylaw 1992, No. 2011, Part 4(9)(4) - Provision and Maintenance of Off Street Parking and Loading Areas: Exemption from the requirement that Parking Spaces in Residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building [i.e. the three parking spaces will be located in the new accessory building].

Subject to the receipt of revised plans with all comments relating to habitable space removed. Carried Unanimously.

- 6)** [17-329](#) Temporary Use Permit for the Westbay Triangle Sales Office, DEV-17-048

Moved by Councillor Brame, seconded by Councillor Low: That Council approve Temporary Use Permit No. TUP00004 authorizing the use of approximately 110 m<sup>2</sup> of the existing building located on the subject property as a sales office for the proposed development on the West Bay Triangle Lands along with use of the existing parking lot for staff and visitor parking for a period of two years from the date of issuance of the permit subject to the conditions contained within TUP00004 attached as Appendix A to Staff Report DEV-17-048 and register a notice on the title for the property legally described as: Lot A, Section 11, Esquimalt District, Plan 26076 [PID 000-121-606] with a street address of 453 Head Street

and further that Council deems it not necessary for this application to be reviewed by the Advisory Planning Commission. Carried Unanimously.

### **Engineering and Public Works**

- 7) [17-307](#) Streets and Traffic Regulation Bylaw, 2017, No. 2898 – Extraordinary Traffic Clause, Staff Report EPW-17-037

Director of Engineering and Public Works responded to questions from Council.

Moved by Councillor Hundleby, seconded by Councillor Liberchuk: That Council directs Staff not to undertake enforcement of the extraordinary traffic definition/clause as per the Streets and Traffic Regulation Bylaw, 2017, No. 2898 with respect to the Esquimalt Town Square construction activities. Carried.

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

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

- 8) [17-308](#) Proposed Modifications to Funding Sources for Council Policy E&PW-01, The Township Guide to Traffic Calming, Staff Report EPW-17-036

Moved by Councillor Liberchuk, seconded by Councillor Brame: That Council directs Staff to undertake a revision of Council Policy E&PW-01 The Township Guide to Traffic Calming to include a funding mechanism for cut through routes. Carried Unanimously.

## **8. BYLAWS**

- 1) [17-303](#) Building Regulation Bylaw, 2017, No. 2899 - For Adoption

Director of Engineering and Public Works responded to questions from Council.

Moved by Councillor Hundleby, seconded by Councillor Brame: That Building Regulation Bylaw, 2017, No. 2899 be adopted.

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That the Main Motion be amended to include "...and direct staff to explore options in collaboration with other municipalities, to Regionally standardize a Building Bylaw. Carried Unanimously.

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

## **9. REPORTS FROM COMMITTEES**

- 1) [17-316](#) Draft Minutes from the Advisory Planning Commission, July 18, 2017

Moved by Councillor Brame, seconded by Councillor Burton-Krahn: That the Draft Minutes from the Advisory Planning Commission, July 18, 2017 be received. Carried Unanimously.

**10. COMMUNICATIONS**

- 1) [17-320](#) Letter from Sheila Malcolmson, MP, Nanaimo - Ladysmith, dated June 2017, Re: Support for Abandoned Vessel Legislation

Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: That the Letter from Sheila Malcolmson, MP, Nanaimo - Ladysmith, dated June 2017, Re: Support for Abandoned Vessel Legislation be received and direct staff to prepare a letter of support. Carried.

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

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

- 2) [17-321](#) Letter from Tom Woods, Esquimalt Ribfest, dated July 12, 2017, Re: All Weather Field At Esquimalt High School

Moved by Councillor Liberchuk, seconded by Councillor Low: That the Letter from Tom Woods, Esquimalt Ribfest, dated July 12, 2017, Re: All Weather Field At Esquimalt High School be received and direct staff to invite Mr. Woods to make a Presentation to Council. Carried Unanimously.

- 3) [17-322](#) Letter from Mary Lynn McKenna, Executive Director, Esquimalt Neighbourhood, dated July 7, 2017, Re: Financial Support Request

Moved by Councillor Low, seconded by Councillor Brame: That the Letter from Mary Lynn McKenna, Executive Director, Esquimalt Neighbourhood, dated July 7, 2017, Re: Financial Support Request be referred to staff to prepare a report for Council consideration outlining funding options. Carried Unanimously.

- 4) [17-323](#) Email from Lisa Helps, Mayor, City of Victoria, dated July 28, 2017, Re: Smart South Island Plan

Moved by Councillor Low, seconded by Councillor Burton-Krahn: That the Email from Lisa Helps, Mayor, City of Victoria, dated July 28, 2017, Re: Smart South Island Plan be referred to the August 28, 2017 Regular Council meeting. Carried Unanimously.

- 5) [17-324](#) Letter from Lisa Helps, Mayor, City of Victoria, dated August 8, 2017, Re: Future of McPherson Playhouse / Royal Theatre Comments

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That the Letter from Lisa Helps, Mayor, City of Victoria, dated August 8, 2017, Re: Future of McPherson Playhouse / Royal Theatre Comments be received. Carried Unanimously.

- 6) [17-325](#) Letter from Lisa Helps, Mayor, City of Victoria, dated August 11, 2017, Re: We Speak Translate Project

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

That the Letter from Lisa Helps, Mayor, City of Victoria, dated August 11, 2017, Re: We Speak Translate Project be received and direct staff to invite Kate Longpre, Community Integration Coordinator, Inter-Cultural Association of Greater Victoria, to make a Presentation to Council. Carried Unanimously.

#### 11. NOTICE OF MOTION

- 1) [17-304](#) Notice of Motion - Amendment to Animal Management Bylaw re Urban Hens, Mayor Barbara Desjardins and Councillor Olga Liberchuk - For Discussion

The Notice of Motion was introduced to Council and referred to the August 28, 2017 Regular Council meeting for discussion.

#### 12. RISE AND REPORT

- 1) [17-309](#) 2022 Commonwealth Games

Mayor Desjardins read the following motion from the June 19th, 2017 In Camera meeting of Council:

That Council direct staff to provide a letter to Mr. Black advising the Township decline interest with the proposal to co-host the 2022 Commonwealth Games in Victoria; and further, not incur Policing Costs under the Victoria Police Department Framework Agreement, should the bid to host be successful.

#### 13. PUBLIC QUESTION AND COMMENT PERIOD

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

Marie Fideaux, resident, questioned whether it should make a difference where urban hen eggs were sold.

#### 14. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 10:26 PM. Carried Unanimously.

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MAYOR BARBARA DESJARDINS  
THIS date DAY OF month, 2017

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ANJA NURVO, CORPORATE OFFICER  
CERTIFIED CORRECT