



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Minutes - Draft

Council

Monday, April 12, 2021

7:00 PM

Esquimalt Council Chambers

Present: 7 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Meagan Brame
Councillor Jacob Helliwell
Councillor Lynda Hundleby
Councillor Tim Morrison
Councillor Jane Vermeulen

Councillor Armour, Councillor Brame, Councillor Helliwell, Councillor Hundleby, Councillor Morrison, and Councillor Vermeulen attended the meeting by conference call.

Staff: Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Blair McDonald, Director of Community Safety Services (via conference call)
Rachel Dumas, Manager of Corporate Services
Trevor Parkes, Senior Planner (via conference call)
Alex Tang, Planner (via conference call)
Alicia Ferguson, Recording Secretary

1. CALL TO ORDER

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

Mayor Desjardins acknowledged with respect the Songhees and Esquimalt Nations on whose traditional territory we live, we learn, and we do our work.

2. LATE ITEMS

(1) **PERTAINING** to Item No. 6 (7): **STAFF REPORTS** - Budget Adjustment HVAC Replacement - Municipal Hall Phase 1, Staff Report No. EPW-21-008

- Email from Duncan Cavens, dated April 12, 2021, Re: Climate Emergency and Upgrading the Municipal Hall HVAC System

(2) **PERTAINING** to Item No. 6 (9): **STAFF REPORTS** - Demolition of Registered Heritage Property - 820 Dunsmuir Road, Staff Report No. DEV-21-010

- Email from Rozlynn Mitchell, Chair, West Bay Residents

Association, dated April 11, 2021, Re: 820 Dunsmuir Road

- Email from Colin MacLock, dated April 12, 2021, Re: Heritage Property Tyn-Y-Coed Home-820 Dunsmuir Road

(3) PERTAINING to Item No. 6 (11): **STAFF REPORTS** - Development Variance Permit Application - 836 Viewfield Road, Staff Report No. DEV-21-024

- Email from Ryan Jabs, President, Community Builder, Lapis Homes, dated April 12, 2021, Re: Support for Driftwood Brewery's Development Variance Permit
- Email from Robert Gritten, Director, 836 Viewfield Limited Partnership, dated April 9, 2021, Re: Variance Notice 836 Viewfield Road

(4) PERTAINING to Item No. 9 (4): **COMMUNICATIONS** - Email from Rachel Mattiuz, Administrative Assistant to the Mayor, District of Saanich, dated March 25, 2021, Re: Motor Vehicle Act Pilot Project Application

- Email from Ryan Jabs, President, Community Builder, Lapis Homes, dated April 12, 2021, Re: Reduced Speed Limit Pilot
- Email from Corey Burger, Policy & Infrastructure Chair, Greater Victoria Cycling Coalition, dated April 12, 2021, Re: Letters from GVCC website re: speed limit pilot

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby: That the agenda be approved as circulated with the inclusion of the late items.

Amendment Motion:

Moved by Mayor Desjardins, seconded by Councillor Morrison: That the agenda be amended to defer consideration of item no. 6.9 - Demolition of Registered Heritage Property – 820 Dunsmuir Road, Staff Report No. DEV-21-010, to a future Council meeting to provide further information to the public. Carried Unanimously.

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

4. MINUTES

- 1) [21-173](#) Minutes of the Special Council meeting held March 15, 2021
- 2) [21-196](#) Minutes of the Regular Council meeting held March 15, 2021
- 3) [21-174](#) Minutes of the Special Council meeting held March 16, 2021

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Minutes of the Special Council meeting held March 15, 2021, the Minutes of the Regular Council meeting held March 15, 2021, and the Minutes of the Special Council meeting held March 16, 2021, be approved as circulated. Carried Unanimously.

5. ELECTRONIC PUBLIC INPUT ON ANY ITEMS LISTED ON THE AGENDA

Address Council on any item included on this Agenda, including Staff Reports and Communications (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

The following speaker requested by email or phone call to be included on the speakers list by providing their name and contact number to the Corporate Officer.

Colin MacLock, *resident*, attended the meeting via conference call at 7:07 PM and was advised that the matter he requested to provide input on was deferred and tentatively scheduled to return to Council at their meeting of Monday, May 3, 2021.

Colin MacLock left the meeting at 7:08 PM.

6. STAFF REPORTS

Community Safety Services

- 1) [21-140](#) Business Regulation Bylaw, Amendment No. 4, Cannabis Retail Sales, Hours of Operation - Staff Report No. CSS-21-007

Director of Community Safety Services attended the meeting via conference call at 7:00 PM, provided an overview of the report, and responded to questions from Council. Comments included consideration of aligning cannabis retailer operating hours with liquor store hours.

Moved by Councillor Brame, seconded by Councillor Armour: That Council give first, second and third reading to Business Licence and Regulation Bylaw, 2013, No. 2810, Amendment Bylaw [No. 4], 2021, No. 3022.

Amendment Motion:

Moved by Councillor Armour, seconded by Councillor Brame: That the Main Motion be amended to include the following:

"with a revision to the hours to read "9:00 a.m. and 9:00 p.m."" Carried Unanimously.

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

- 2) [21-176](#) Bylaw Notice Enforcement Bylaw (Amendment No. 11), Staff Report No. CSS-21-008

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council give first, second and third readings to Bylaw Notice Enforcement

Bylaw, 2014, No. 2839, Amendment Bylaw [No. 11], 2021 No. 3024. Carried Unanimously.

- 3) [21-178](#) Project 529 Garage - Bike Registry, Staff Report No. CSS-21-009

Moved by Councillor Helliwell, seconded by Councillor Brame: That the Township of Esquimalt does not take steps to become a branded registry or designated registration location for Project 529 Garage as outlined in Staff Report No. CSS-21-009. Carried Unanimously.

Director of Community Safety Services left the meeting at 7:34 PM.

Finance

- 4) [21-198](#) 2021 Property Tax Rates

Director of Financial Services provided an overview of the report, presented a PowerPoint Presentation, and responded to questions from Council. Comments included financial uncertainty due to COVID and the need to prepare for any potential revenue shortfalls.

Moved by Councillor Armour, seconded by Councillor Brame: That Council approve Scenario 3 with a 1.60% tax increase for the 2021 Municipal Tax Revenue increase, as presented in the 2020 Property Tax Rate Discussion Presentation on April 12, 2021. Carried Unanimously.

- 5) [21-170](#) Alternate Municipal Tax Collection Scheme, Staff Report No. FIN-21-007

Director of Financial Services responded to questions from Council.

Moved by Councillor Armour, seconded by Councillor Hundleby: That Council give first, second and third readings to Alternative Municipal Tax Collection Scheme Bylaw No. 3025, 2021 and further rescind Alternative Municipal Collection Tax Scheme Bylaw, 2020, No. 2998 as outlined in Staff Report No. FIN-21-007. Carried Unanimously.

Director of Financial Services left the meeting at 8:05 PM.

Senior Planner joined the meeting via conference call at 8:05 PM.

Director of Engineering and Public Works joined the meeting via conference call at 8:05 PM.

Engineering and Public Works

- 6) [21-199](#) Esquimalt Town Square Offsite Servicing Budget Reallocation, Staff Report No. EPW-21-009

Director of Engineering and Public Works responded to questions from Council and comments included impact of COVID on construction and extenuating circumstances surrounding the need for additional funding.

Moved by Councillor Armour, seconded by Councillor Brame: That Council approve an increase to the Esquimalt Town Square Off Site Servicing

budget of \$100,679 from Accumulated Surplus as set out in Staff Report No. EPW-21-009. Carried Unanimously.

- 7) [21-187](#) Budget Adjustment HVAC Replacement - Municipal Hall Phase 1, Staff Report No. EPW-21-008

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

Moved by Councillor Armour, seconded by Councillor Morrison: That Council approve the transfer of \$56,335 from the Infrastructure and Revitalization Reserve Fund to capital project HVAC Replacement - Municipal Hall Phase 1, P088 as set out in Staff Report No. EPW-21-008. Carried Unanimously.

Director of Engineering and Public Works left the meeting at 8:26 PM.

Director of Development Services joined the meeting at 8:26 PM.

Development Services

- 8) [21-197](#) Official Community Plan Amendment and Rezoning Application - 819, 821, 823 Esquimalt Road, Staff Report No. DEV-21-025

Director of Development Services provided an overview of the Official Community Plan circulation and the Senior Planner provided an overview of the report, presented a PowerPoint Presentation, and together with the Director of Development Services responded to questions from Council.

The purpose of application is to allow for construction of a ninety-two (92) seniors-oriented, multiple-family residential units and one commercial unit, to be constructed in an eight-storey building on the subject properties.

Jason Craik, *applicant*, joined via conference 8:44 PM, presented a PowerPoint Presentation, and responded to questions from Council.

Council comments included:

- * Concerns of height and massing and consideration of a shadow study.
- * Contextual fit within the neighbourhood and the need for redevelopment.
- * Alignment with Official Community Plan guidelines.

Moved by Councillor Brame, seconded by Councillor Vermeulen: . That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3026, attached to Staff Report No. DEV-21-025 as Appendix A, which would

- amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'B', being the Proposed Land Use Designations Map by changing the designation of 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District,

Plan 265], all shown cross hatched on Schedule 'A' of Bylaw No. 3026, from 'Neighbourhood Commercial Mixed-Use' to 'Commercial/Commercial Mixed-Use'; and

- amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the designation of 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265], all shown cross hatched on Schedule 'A' of Bylaw No. 3026, from Development Permit Area No.6 - Multi-Family Residential to Development Permit Area No.4 - Commercial;

be given first and second reading;

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3027, attached to Staff Report DEV-21-025 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], from C-1 [Convenience Commercial] and by changing the zoning designation of 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265], from RM-4 [Multiple Family Residential], all shown cross-hatched on Schedule "A" of Bylaw No. 3027, to CD No. 136 [Comprehensive Development District No. 136], be given first and second reading;

3. That Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3026, and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3027, mail notices and advertise for same in the local newspaper; and

4. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-21-025, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265] 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 819 Esquimalt Road, 821 Esquimalt Road, and 823 Esquimalt Road prior to development as the proposed CD No.136 Zone does not work unless the parcels are consolidated.

- Granting of a Statutory Right of Way across the northernmost 3.0 metres of the combined parcel frontage to allow for the installation of a public sidewalk and all associated rights to pass over this portion of the lands.

- Sidewalk, not less than 2.0 metres in width, be installed across the parcel frontage within the Statutory Right of Way.
- Inclusion of not less than three (3) street trees, and associated tree collars, tree grates and tree wells, and having a caliper of not less than 7.0 centimetres with additional specifications subject to approval by the Director of Parks and Recreation Services, be installed along the frontage of the consolidated parcel.
- Inclusion of not less than three (3) shade trees, and associated tree collars, tree grates and tree wells, and having a caliper of not less than 7.0 centimetres with additional specifications subject to approval by the Director of Parks and Recreation Services, be installed along Rear Lot Line of the consolidated parcel.
- Required visitor parking spaces will be provided and remain designated Visitor spaces in perpetuity.
- That the consolidated parcel is not to be subdivided (to prevent stratification).
- That the building height and massing be restricted to a maximum height of eight-storeys and a maximum Floor Area Ratio of 2.95.
- Prohibition on the use of Natural Gas as an energy source for space heating in the building.
- 8 Commercial designated parking spaces secured for intended use.

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3026 and Amendment Bylaw No. 3027 to Council for consideration of adoption; and

5. That Council direct staff to prepare a Housing Agreement bylaw in collaboration with the applicant. Carried.

In Favour: 4 - Mayor Desjardins, Councillor Brame, Councillor Helliwell, and Councillor Vermeulen

Opposed: 3 - Councillor Armour, Councillor Hundleby, and Councillor Morrison

Jason Craik, *applicant*, left the meeting at 9:21 PM.

Senior Planner left the meeting at 9:22 PM.

- 9) [21-099](#) Demolition of Registered Heritage Property – 820 Dunsmuir Road, Staff Report No. DEV-21-010

This item was postponed to a future Council meeting, tentatively May 3rd, 2021.

- 10) [21-150](#) Housing Agreement Bylaw Amendment and Covenant Modification - 612 Constance Ave, Staff Report No. DEV-21-021

Planner joined the meeting via conference call at 9:21 PM, provided an

overview of the changes to reflect the proposed special needs units within the current floor plan, and responded to questions from Council.

Moved by Councillor Armour, seconded by Councillor Vermeulen:

That Council:

1. resolves that Housing Agreement Bylaw, 1999, No. 2981, Amendment Bylaw, No. 3023, 2021, for 612 Constance Avenue be given first, second and third readings as attached to Staff Report No. DEV-21-021 as Appendix A; and,
2. approves the proposed amendments to Section 219 Covenant CA8354956, attached as Appendix B of Staff Report No. DEV-21-021 and authorizes the Mayor and Chief Administrative Officer to execute the necessary documents and Corporate Officer to register a Notice of the Housing Agreement and Covenant Modifications document on the title of Lot A, Suburban Lots 44 and 45, Esquimalt District, Plan EPP86051. Carried Unanimously.

Planner left the meeting at 9:29 PM.

- 11) [21-177](#) Development Variance Permit Application – 836 Viewfield Road, Staff Report No. DEV-21-024

Moved by Councillor Morrison, seconded by Councillor Brame: That Council resolves that Development Variance Permit No. DVP00113 [Appendix A of staff report DEV-21-024] authorizing an increase to the size of a liquor lounge at a beverage manufacturing location (in the Light Industrial zone), consistent with the architectural plans provided by Finlayson Bonet Architecture Ltd., all stamped “Received February 17, 2021”, 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 the property located 836 Viewfield Road [PID 003-882-497; Amended Lot 5 (DD 238951)], Section 11, Esquimalt District, Plan 808]:

Zoning Bylaw 1992, No. 2050 Section 53 (3)(b) Floor Area - Liquor Lounge: To allow an increase to the permitted floor area for a Beverage Manufacturer Liquor Lounge from 60 square metres to 160 square metres, for a variance of 100 square metres. Carried Unanimously.

Director of Development Services left the meeting at 9:32 PM and expressed thanks to the Corporate Officer for her contributions and wished her well in future endeavors.

Administration

- 12) [21-095](#) Liquor Licence Application - Driftwood Brewery, Staff Report No. ADM-21-005

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Township of Esquimalt does not wish to provide comments or recommendations to the Liquor and Cannabis Regulation Branch [LCLB] with regard to the application for a Lounge Area Liquor Licence Application

received by Driftwood Brewery (303177), as outlined in Staff Report No. ADM-21-005. Carried Unanimously.

- 13) [21-194](#) Appointment of Interim Corporate Officer, Staff Report No. ADM-21-009

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council approve, effective April 16th, 2021, the following appointments for Anja Nurvo, Manager of Corporate Services:

- Interim Corporate Officer pursuant to s. 148 of the Community Charter;
- Deputy Business Licence Officer pursuant to the Township's Business Licence and Regulation Bylaw, 2013, No. 2810; and,
- Alternate Secretary for the Board of Variance, pursuant to the Township's Board of Variance Bylaw, 2014, No. 2831. Carried Unanimously.

7. BYLAWS

- 1) [21-191](#) Parking Bylaw, 1992, No. 2011, Amendment Bylaw (No. 7), 2021, No. 3014 - For Adoption

Moved by Councillor Hundleby, seconded by Councillor Helliwell: That the Parking Bylaw, 1992, No. 2011, Amendment Bylaw (No. 7), 2021, No. 3014, be adopted. Carried Unanimously.

8. REPORTS FROM COMMITTEES

- 1) [21-175](#) Memorandum - Roger Wheelock, Chair, Design Review Committee, Re: COTW Presentation March 8, 2021
- 2) [21-179](#) Memorandum - Graeme Dempster, Chair, Advisory Planning Commission, Re: COTW Presentation March 8, 2021

Moved by Councillor Armour, seconded by Councillor Brame: That Council direct staff to prepare a report for Council's consideration regarding the recommendations outlined in the memorandums from Roger Wheelock, Chair, Design Review Committee and Graeme Dempster, Chair, Advisory Planning Commission, Re: COTW Presentation March 8, 2021. Carried Unanimously.

- 3) [21-200](#) Draft Minutes of the APC Design Review Committee, February 10, 2021

This item was received.

- 4) [21-205](#) Adopted Minutes of the Advisory Planning Commission, March 16, 2021

This item was received.

9. COMMUNICATIONS

For Council's Consideration

- 1) [21-180](#) Email from Christine Havelka, Deputy City Clerk / Manager of Legislative Services, City of Victoria, dated March 16, 2021, Re: Help Cities Lead Campaign

Moved by Councillor Armour, seconded by Mayor Desjardins: That Council endorse the Helps Cities Lead Campaign and direct staff to prepare a letter of support to the Province as outlined in the email from Christine Havelka, Deputy City Clerk / Manager of Legislative Services, City of Victoria, dated March 16, 2021, Re: Help Cities Lead Campaign. Carried Unanimously.

- 2) [21-181](#) Email from Philippe Lucas, Biosolid Free BC, dated March 17, 2021, Re: Support for Modernizing the Provincial Regulations Overseeing the Beneficial Use of Biosolids

Moved by Councillor Armour, seconded by Councillor Hundleby: That the Township of Esquimalt Council add their support to the letter addressed to the Ministry of Environment and Climate Change Strategy from Biosolid Free BC as outlined in the email from Philippe Lucas, Biosolid Free BC, dated March 17, 2021, Re: Support for Modernizing the Provincial Regulations Overseeing the Beneficial Use of Biosolids. Carried Unanimously.

- 3) [21-182](#) Email from Kate Holowatiuk, Canadian Union of Postal Workers, dated March 15, 2021, Re: Delivering Community Power Campaign

This item was received.

- 4) [21-185](#) Email from Rachel Mattiuz, Administrative Assistant to the Mayor, District of Saanich, dated March 25, 2021, Re: Motor Vehicle Act Pilot Project Application

Moved by Councillor Morrison, seconded by Councillor Vermeulen: That Council direct staff to prepare a letter to Mayor Haynes, District of Saanich, recommitting to the Motor Vehicle Act Pilot Project at the revised reduced speed limit of 30 km/h. Carried Unanimously.

- 5) [21-186](#) Letter from Cst. Greg Shaw, Community Resource Officer, Victoria Police Department (Esquimalt Division), dated March 18, 2021, Re: Smile for a Child Toy Drive

This item was received.

- 6) [21-188](#) Email from Genevieve Lanz, Deputy Municipal Clerk, District of North Vancouver, dated March 22, 2021, Re: Help Cities Lead Campaign

This item was received.

- 7) [21-189](#) Email from Paul Nursey, Tourism Victoria, dated March 19, 2021, Re: Criteria for US Boarder Reopening

This item was received.

- 8) [21-193](#) Email from Lisa Trotter, Wild Wise Society Volunteer, dated March 29, 2021, Re: Moratorium on Recreation Hunting of Wolves on Vancouver Island

This item was received.

For Council's Information

- 9) [21-192](#) Email from Minister George Heyman, Ministry of Environment, dated March 29, 2021, Re: Anticoagulant Rodenticides

This item was received.

10. RISE AND REPORT

- 1) [21-183](#) 2021 Committee Re-appointments from March 15, 2021, In Camera meeting

At its March 15, 2021 In Camera meeting, Council made the following re-appointments to Committees, Commissions and Boards, for the terms indicated below:

Parks & Recreation Advisory Committee:

Lee Mauro - 2 years - July 1, 2021 to June 30, 2023

Elyse Norgaard Kituri - 2 years - July 1, 2021 to June 30, 2023

Lassah Johnson - 2 years - July 1, 2021 to June 30, 2023

Environmental Advisory Committee:

Shona Redman - 2 years - July 1, 2021 to June 30, 2023

Waheema Asghar - 2 years - July 1, 2021 to June 30, 2023

Rebecca Wolf-Gage (Youth Rep) - 1 year - July 1, 2021 to June 30, 2022

Advisory Planning Commission:

Chris Munkasci - 2 years - July 1, 2021 to June 30, 2023

Duncan Cavens - 2 years - July 1, 2021 to June 30, 2023

Design Review Committee:

Beverly Windjack - 2 years - July 1, 2021 to June 30, 2023

Graeme Verhulst - 2 years - July 1, 2021 to June 30, 2023

Board of Variance:

Douglas Crowder - 3 years - July 1, 2021 to June 30, 2024

11. ELECTRONIC PUBLIC COMMENT PERIOD

Address Council on any topic that impacts Esquimalt (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

There was no electronic public comment.

12. ADJOURNMENT

The Chair acknowledged the Corporate Officer's final meeting and expressed appreciation for her contributions.

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:46 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS DAY OF _____, 2021

ANJA NURVO, INTERIM
CORPORATE OFFICER
CERTIFIED CORRECT