



**CORPORATION OF THE
TOWNSHIP OF ESQUIMALT**
Minutes - Final
Council

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

Monday, May 6, 2019

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

Staff: Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Anja Nurvo, Director of Corporate Services
Trevor Parkes, Senior Planner
Alex Tang, 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 thanked the TCAC for a successful community event "Splash of Light and Lantern Festival", and congratulated the Fraternal Order of Eagles on their 120th anniversary.

2. LATE ITEMS

The following late items were added to the agenda:

- (1) Add to Item 5. **PUBLIC HEARING:** (3) Rezoning Application - 638 & 640 Constance and 637 Nelson Street, Staff Report DEV-19-039:
 - Letter from Chris Edley, President, Esquimalt Chamber of Commerce, received May 6, 2019, Re: Public hearing on 638 & 640 Constance Ave and 637 Nelson St - Support Letter
 - Email from Chris Edley dated May 6, 2019, Re: personal support for development
- (2) Add to Item 7. **STAFF REPORTS:** (3) Development Variance Permit Application - 1336 Wood Street, Staff Report DEV-19-031:
 - Letter from Jake Wenaus dated March 18, 2019, Re: Development Variance Permit - 1336 Wood Street
- (3) Add to Item 11. **COMMUNICATIONS:** (4) Email from Capital Regional District Regional and Strategic Planning, dated April 24, 2910, Re: Letter

from CRD Board Chair Re: Regional Foodland Access Program

- Email from Keeley Nixon, Farm & Foodland Access Coordinator, Capital Region Food and Agriculture Initiatives Roundtable, dated May 6, 2019, Re: Submission: May 6 Council meeting Re: Agenda Items 11.4, 11.5

3. APPROVAL OF THE AGENDA

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) [19-200](#) Minutes of the Special Meeting of Council, April 15, 2019
- 2) [19-201](#) Minutes of the Regular Meeting of Council, April 15, 2019

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Minutes of the Special Meeting of Council, April 15, 2019 and Minutes of the Regular Meeting of Council, April 15, 2019 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) [19-202](#) Notice of Public Hearing - Rezoning Application - 638 and 640 Constance Avenue and 637 Nelson Street
- 2) **Background Information - Available for Viewing Separately**
- 3) **Director of Development Services - Overview of Application**
 - a) [19-191](#) Rezoning Application - 638 & 640 Constance Avenue and 637 Nelson Street, Staff Report DEV-19-039

Planner provided an overview of rezoning application for 638 & 640 Constance Avenue and 637 Nelson Street, presented a PowerPoint presentation and responded to questions from Council. The purpose of this change in zoning is to allow a 6 storey, 71 unit, purpose-built rental, multi-family residential building including a 61 space parking garage. Director of Development Services responded to questions from Council.

- 4) **Applicant or Authorized Representative - Overview of Application**

Heather Spinney, Praxis Architects Inc, provided an overview of rezoning application, presented a PowerPoint Presentation and responded to questions from Council. Project representatives responded to questions from Council to address concerns including ratio of parking stalls to number of units.

5) Public Input

Doug Scott, *resident*, in favour of project; however, expressed concerns with number of parking spaces and management of parking.

Troy Grant, *non-resident*, owns property in Esquimalt, in support of application and working towards affordable housing in the community.

Art & Sue Charlesworth, *residents*, expressed concerns with parking and overflow to residential street parking.

Ned Eastern, *resident*, in favour of application and types of housing; however, expressed concerns with possible increase in street parking.

Tom Fistral, *resident*, expressed concerns with parking and suggested registering a covenant on property to address parking concerns.

Rebecca Wolf Gage, *resident*, in support of bus passes to help reduce vehicle use.

Dan (unknown last name), *resident*, expressed concerns with parking and garbage collection on streets using parking spaces instead of property.

Art & Sue Charlesworth, *residents*, expressed concerns with increased traffic flow on Nelson Street and encouraged a traffic signal. Also expressed concerns with potential noise from garage entrance door.

6) Adjournment of Hearing

Mayor Desjardins declared the Public Hearing for Bylaw No. 2927 closed at 7:45 PM.

7) Consideration of Staff Recommendation

Staff responded to questions from Council regarding Public Hearing process and the ability to address parking in a covenant.

Moved by Councillor Hundleby, seconded by Councillor Helliwell:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927, attached to Staff Report DEV-19-039 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 third reading; and

2. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-19-039, the applicant has voluntarily agreed to register a Section 219 Covenant on the title 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] 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 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] prior to development as the proposed CD No.110 Zone does not work unless the parcels are consolidated
- The building be constructed to include six 3-bedroom dwelling units
- Seven visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-19-039
- \$500 per unit car shares from Modo car share services
- Provision of a car share vehicle through Modo
- 15 parking stalls to have Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations
- Provision of 12 months of BC Transit bus passes for the Victoria Regional Transit System to all the residents
- Play structure on the usable open space
- Water main upgrade along Constance Avenue (or Nelson Street) in order to provide the sufficient fire flow demand
- That the parcel is not to be subdivided (to prevent stratification)

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. 2927 to Council for consideration of adoption.

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Main Motion be separated. Carried Unanimously.

Moved by Councillor Hundleby, seconded by Councillor Brame: The vote was taken on PART (1) of the Main Motion as amended and declared Carried.

In Favour: 6 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Helliwell, Councillor Hundleby, and Councillor Vermeulen

Opposed: 1 - Councillor Morrison

Moved by Councillor Hundleby, seconded by Councillor Armour: That Council defer the vote on PART (2) of the Main Motion as amended until further information has been received from the developer addressing parking concerns. Carried Unanimously.

The meeting recessed at 8:12 PM and reconvened at 8:18 PM with all members of Council present.

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

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

Zsuzsu Harsman, *resident*, encouraged participation in three activities this year towards indigenous reconciliation, and requested in kind support of a staff member & Council Liaison and \$1000 to pay for indigenous representation towards a Blanket Exercise.

Doug Scott, *resident*, expressed concerns with parking in the community for all new developments.

7. STAFF REPORTS

Finance

1) [19-189](#) 2018 Audited Financial Statements, Staff Report FIN-19-006

Moved by Councillor Helliwell, seconded by Councillor Brame: That Council receive and approve the Township's audited financial statements for the year ended December 31, 2018 attached to Staff Report FIN-19-006. Carried Unanimously.

Development Services

2) [19-137](#) Rezoning Application - 838 and 842 Admirals Road, Staff Report DEV-19-040

Moved by Councillor Hundleby, seconded by Councillor Helliwell: That Council resolves that Amendment Bylaw No. 2926, attached to Staff Report DEV-19-040 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 adopted. Carried Unanimously.

3) [19-154](#) Development Variance Permit Application- 1336 Wood Street, Staff Report DEV-19-031

Moved by Councillor Helliwell, seconded by Councillor Morrison: That Council resolves that Development Variance Permit No. 00085 [Appendix A] authorizing the construction as shown in the architectural drawings prepared by Adapt Design, stamped "Received January 22, 2019", sited as detailed on the survey plan prepared by Wey Mayenburg, stamped "Received January 22 2019", and including the following variances to the 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 1336 Wood Street [PID 006-375-324, Lot 59, Suburban Lot 37, Esquimalt District, Plan VIP 2854 and PID 006-375-294, Lot 58, Suburban Lot 37, Esquimalt District, Plan VIP 2854]; and

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(i)- Siting Requirements- Primary Building- Front Setback: Exemption from the requirement that no principal building shall be located within 7.5 metres of the Front Lot Line [i.e from 7.5m to 3.2m]. Carried Unanimously.

4) [19-172](#) OCP Amendment Consultation List - 616/620 Constance Avenue, 619/623 Nelson Street & 1326 Miles Street, Staff Report DEV-19-041

Moved by Councillor Brame, seconded by Councillor Morrison: That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan and Zoning Bylaw Amendment concept plan, attached as Appendix 'B' to Staff Report DEV-19-041, detailing the proposed development at 616 Constance Avenue [PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854], 620 Constance Avenue [PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135], 619 Nelson Street [PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854], 623 Nelson Street [PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135], and 1326 Miles Street [PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854] + [PID 006-375-693 Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854] to those persons, organizations, and authorities identified in Appendix 'A' of Staff Report DEV-19-041 as amended with the addition of SD61 School Board Trustees and School Parent Advisory Councils [PAC]. Carried Unanimously.

5) [19-197](#) Development Permit Application - 622 Admirals Road, Staff Report DEV-19-038

Senior Planner provided an overview of DVP application for 622 Admirals Road, presented a PowerPoint Presentation and responded to questions from Council.

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

Council expressed concerns with design for solar collector panel and public art options.

Moved by Councillor Brame, seconded by Councillor Armour: That Council resolves that Development Permit No. DP000043, attached as Schedule A to staff report DEV-19-038, authorizing the form and character of the proposed development of a new commercial and 179 unit residential care facility, consistent with the architectural plans, elevation drawings and street views prepared by Praxis Architects Inc. and Zeidler Architecture stamped "Received April 26, 2019", and the Preliminary Landscape Plan, prepared by Lombard North Group Inc. stamped "Received April 26, 2019" and sited in accordance with the BCLS Site Plan prepared by Powell & Associates, BC Land Surveyors, stamped "Received April 26, 2019", for the development to be located at 622 Admirals Road [PID 030-615-992; Lot A, Suburban Lot 43, Esquimalt District, Plan EPP82555] 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 subject property. Carried Unanimously.

6) [19-198](#) OCP Amendment Consultation List - 681 and 685 Admirals Road, Staff Report DEV-19-042

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan and Zoning Bylaw Amendment concept plan, attached as Appendix 'B' to Staff Report DEV-19-042, detailing the proposed development at 681 Admirals Road [PID 007-801-963 Lot 25 Block 4 Suburban Lot 50 Esquimalt District Plan 1153] + [PID 007-801-980 Lot 26 Block 4 Suburban Lot 50 Esquimalt District Plan 1153] and 685 Admirals Road [PID 007-802-013 Lot B (DD G17083), Suburban Lot 50, Esquimalt District, Plan 1153] to those persons, organizations, and authorities identified in Appendix 'A' of Staff Report DEV-19-042 as amended with the addition of SD61 School Board Trustees and School Parent Advisory Councils [PAC]. Carried Unanimously.

8. BYLAWS

1) [19-195](#) Financial Plan Bylaw, 2019, No. 2959 - For Adoption

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Financial Plan Bylaw, 2019, No. 2959 be adopted. Carried Unanimously.

2) [19-196](#) Tax Rates Bylaw, 2019, No. 2960 - For Adoption

Moved by Councillor Brame, seconded by Councillor Armour: That Tax Rates Bylaw, 2019, No. 2960 be adopted. Carried.

In Favour: 6 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Helliwell, Councillor Hundleby, and Councillor Vermeulen

Opposed: 1 - Councillor Morrison

9. MAYOR'S AND COUNCILLORS' REPORTS

1) [19-194](#) Association of Vancouver Island and Coastal Communities, 2019 Conference Report, Councillor Meagan Brame

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Association of Vancouver Island and Coastal Communities, 2019 Conference Report by Councillor Meagan Brame be received. Carried Unanimously.

2) [19-181](#) Reconsideration of Motion re Policing, Mayor Barbara Desjardins

Moved by Mayor Desjardins, seconded by Councillor Armour: That the Township of Esquimalt Council call upon the Provincial Government to explore options for delivery of policing services for Esquimalt including a fully regionalized Police Force for the Capital Region. Carried Unanimously.

10. REPORTS FROM COMMITTEES

1) [19-206](#) Adopted Minutes from the Advisory Planning Commission, March 19, 2019

Moved by Councillor Brame, seconded by Councillor Morrison: That the Adopted Minutes from the Advisory Planning Commission, March 19, 2019 be received. Carried Unanimously.

11. COMMUNICATIONS

1) [19-207](#) Email from Sue Zhang, Director, Falun Dafa Association of Vancouver, dated April 11, 2019, Re: Greetings Letter / Proclamation Request for Falun Dafa Day

Moved by Councillor Hundleby, seconded by Councillor Armour: That the Email from Sue Zhang, Director, Falun Dafa Association of Vancouver, dated April 11, 2019, Re: Greetings Letter / Proclamation Request for Falun Dafa Day be received. Carried Unanimously.

2) [19-208](#) Letter from Sandra Richardson, CEO, Victoria Foundation, dated April 12, 2019, Re: Victoria's Vital Signs Report

Moved by Councillor Brame, seconded by Councillor Armour: That the Letter from Sandra Richardson, CEO, Victoria Foundation, dated April 12, 2019, Re: Victoria's Vital Signs Report be received and Council direct staff to invite the Victoria Foundation to make a Presentation to Council at a future Council meeting in 2020, subject to meeting schedule availability.

Carried Unanimously.

3) [19-209](#) Letter from Mayor Fred Haynes, District of Saanich, dated April 23, 2019, Re: Funding for the Victoria Sexual Assault Centre

Moved by Councillor Vermeulen, seconded by Councillor Morrison: That the Letter from Mayor Fred Haynes, District of Saanich, dated April 23, 2019, Re: Funding for the Victoria Sexual Assault Centre be received. Carried Unanimously.

4) [19-210](#) Email from Capital Regional District Regional and Strategic Planning, dated April 24, 2019, Re: Letter from CRD Board Chair Re: Regional Foodland Access Program

Moved by Councillor Armour, seconded by Councillor Hundleby: That the Email from the Capital Regional District Regional and Strategic Planning, dated April 24, 2019, Re: Letter from CRD Board Chair Re: Regional Foodland Access Program be received and direct staff to prepare a letter advising the Township declines participation in a Regional Foodland Access Program at this time. Carried Unanimously.

5) [19-211](#) Email from Capital Regional District Regional and Strategic Planning, dated April 26, 2019, Re: Additional Information Re: Letter from CRD Board Chair Re: Regional Foodland Access Program

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Email from Capital Regional District Regional and Strategic Planning, dated April 26, 2019, Re: Additional Information Re: Letter from CRD Board Chair Re: Regional Foodland Access Program be received. Carried Unanimously.

6) [19-212](#) Letter from Robert George, Vice-Admiral (ret'd), dated April 25, 2019, Re: National Maritime Museum Initiative

Moved by Councillor Brame, seconded by Councillor Morrison: That the Letter from Robert George, Vice-Admiral (ret'd), dated April 25, 2019, Re: National Maritime Museum Initiative be received and direct staff to prepare a letter of support encouraging review of sites in Esquimalt and collaboration with the CFB Esquimalt Naval & Military Museum in conjunction with DND. Carried Unanimously.

7) [19-213](#) Email from Rich Elliott, Executive Assistant, Mayor's Office, City of Victoria, dated April 29, 2019, Re: Letter from Mayor Helps, Re: Climate Action Through Transit Ridership

Moved by Councillor Armour, seconded by Councillor Hundleby: That the Email from Rich Elliott, Executive Assistant, Mayor's Office, City of Victoria, dated April 29, 2019, Re: Letter from Mayor Helps, Re: Climate Action Through Transit Ridership be received. Carried Unanimously.

8) [19-215](#) Letter from Zsuzsa Harsman, Susan Gage and Elaine Hooper, For the Esquimalt United Justice Team, dated May 1, 2019, Re: Developing a Reconciliation Plan for Esquimalt

Moved by Councillor Hundleby, seconded by Councillor Armour: That the Letter from Zsuzsa Harsman, Susan Gage and Elaine Hooper, For the Esquimalt United Justice Team, dated May 1, 2019, Re: Developing a Reconciliation Plan for Esquimalt be received.

Moved by Councillor Morrison, seconded by Councillor Brame: That the Main Motion be amended to direct staff to contact Ms. Harsman advising of support in principle and Local Grant process. Carried Unanimously.

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

12. NOTICE OF MOTION

1) [19-145](#) Notice of Motion - Professional Development for Mayor and Council, Councillor Vermeulen - For Discussion

Chief Administrative Officer responded to questions from Council.

Moved by Councillor Vermeulen, seconded by Councillor Armour:

WHEREAS: Council wishes to ensure a level of taxation that is fair and appropriate for Esquimalt residents, it is necessary to reduce expenses for the 2019 budget

AND WHEREAS: It is necessary for Council to pursue professional development to improve governance skills and facilitate relationship with other municipalities

THEREFORE BE IT RESOLVED: That Council establish a professional development schedule and budget for each member of council extending a two year time period

AND THEREFORE BE IT FURTHER RESOLVED: That the number of Council members permitted to attend a professional development event outside the South Island region be restricted to three members of Council at one time.

Moved by Councillor Helliwell, seconded by Councillor Armour: That the Main Motion be amended to separate PART (1) Establish a Professional Development Schedule and PART (2) Council Professional Development attendance. Carried Unanimously.

Moved by Councillor Helliwell, seconded by Councillor Armour: The vote was taken on PART (1) Establish a Professional Development Schedule of the Main Motion as amended and declared Carried.

In Favour: 5 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Helliwell, and Councillor Vermeulen

Opposed: 2 - Councillor Hundleby, and Councillor Morrison

Moved by Councillor Brame, seconded by Councillor Vermeulen: That PART (2) of the Main Motion as amended be amended to strike "South Island Region" and replace with "Island and Coastal Region". Defeated.

In Favour: 2 - Councillor Brame, and Councillor Vermeulen

Opposed: 5 - Mayor Desjardins, Councillor Armour, Councillor Helliwell, Councillor Hundleby, and Councillor Morrison

Moved by Councillor Helliwell, seconded by Councillor Brame: The vote was taken on PART (2) Council Professional Development attendance as amended and declared defeated.

In Favour: 2 - Councillor Brame, and Councillor Vermeulen

Opposed: 5 - Mayor Desjardins, Councillor Armour, Councillor Helliwell, Councillor Hundleby, and Councillor Morrison

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.

Mayor Desjardins called three times for Public Input and there was none.

14. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Helliwell: That the Regular Council meeting be adjourned at 9:56 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 27TH DAY OF MAY, 2019

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT