



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

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

Monday, April 12, 2021

7:00 PM

Esquimalt Council Chambers

Ministerial Order No. M192 – June 17, 2020

Division 2 – Open meetings – municipalities 3. (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the Public Health Act.

Ministerial Order No. M116 – April 21, 2020

If you would like to provide written comments to Council, please submit your correspondence via email to corporate.services@esquimalt.ca by 12:00 p.m. (noon) on the day of the meeting.

If you would like to provide comments to Council electronically via telephone during the meeting, please contact the Corporate Officer for further details and scheduling at 250-414-7135 by 4:30 p.m. on the day of the meeting.

1. CALL TO ORDER

2. LATE ITEMS

- 1) [24-371](#) Late correspondence

Attachments: [Late correspondence for items No. 6.7, 6.9, 6.11, 9.4](#)

3. APPROVAL OF THE AGENDA

4. MINUTES

- 1) [21-173](#) Minutes of the Special Council meeting held March 15, 2021

Attachments: [Minutes of the Special Council meeting, March 15, 2021](#)

- 2) [21-196](#) Minutes of the Regular Council meeting held March 15, 2021

Attachments: [Minutes of the Regular Council meeting held March 15, 2021](#)

- 3) [21-174](#) Minutes of the Special Council meeting held March 16, 2021

Attachments: [Minutes of the Special Council meeting, March 16, 2021](#)

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.

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

Recommendation:

That Council give first, second and third reading to Business Licence and Regulation Bylaw, 2013, No. 2810, Amendment Bylaw [No. 4], 2021, No. 3022.

Attachments: [Attachment No. 1: DRAFT Business Licence and Regulation Bylaw Amendment No.4](#)
[Attachment No. 2: Email from Alternative Aromatics](#)
[Attachment No. 3: Email from Marc Pinkoski](#)
[Attachment No. 4: Public Notice](#)

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

Recommendation:

That Council give first, second and third readings to Bylaw Notice Enforcement Bylaw, 2014, No. 2839, Amendment Bylaw [No. 11], No. 3024, 2021.

Attachments: [Attachment No. 1: DRAFT Bylaw Notice Enforcement Bylaw, 2014, No. 2839, Amendment Bylaw \[No. 11\], 2021, No 3024](#)

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

Recommendation:

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.

Attachments: [Email - Project 529 Garage Bike Theft Prevention](#)

Finance

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

Attachments: [Attachment No. 1: PowerPoint Presentation](#)

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

Recommendation:

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.

Attachments: [Appendix 1: Municipality Tax Summary 2021](#)
[Appendix 2: Alternative Tax Scheme Bylaw, 2021, No 3025](#)

Engineering and Public Works

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

Recommendation:

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.

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

Recommendation:

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.

Development Services

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

Recommendation:

1. 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.

Attachments: [Appendix A - Bylaw No. 3026 - OCP Amendment Bylaw \(819 821 823 Esquimalt Road\) - Apr6 21](#)
[Appendix B - Bylaw No. 3027 - Zoning Amendment Bylaw \(819 821 823 Esquimalt Road - CD-136\) - Apr7 21](#)
[Appendix C - SitePlan Airphoto OCP Zone Maps](#)
[Appendix D - 819 Esquimalt Road - Drwgs Shdw LP BCLS - Apr 6 stmp](#)
[Appendix E - 819 Esquimalt Road - Developers Narrative April 6 21](#)
[Appendix F - 819 Esquimalt Road - Green Building Checklist](#)
[Appendix G - Avenir Community Consultation Summary - Oct19 Nov 2020](#)
[Appendix H - OCP Consultation Letter to Stakeholders \(10\)](#)
[Appendix I - WBRA - Position Letter - Avenir Proposal - Esquimalt Road Apr 1 stmp](#)
[Appendix J - Avenir Zeidler Council Presentation - Hythe Pointe Apr 6 21](#)
[Appendix K - Staff Presentation](#)

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

Recommendation:

That Council remove 820 Dunsmuir Road from the Esquimalt Community Heritage Register as outlined in Staff Report No. DEV-21-010.

Attachments: [Attachment No. 1: Appraisal](#)

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

Recommendation:

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.

Attachments: [Appendix A: Housing Agreement Bylaw, 2021, No. 3023](#)
[Appendix B:Section 219 Covenant](#)

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

Recommendation:

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 238951I), 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.

Attachments: [Appendix A - DVP00113 - 836 Viewfield Road - liquor lounge](#)
[Appendix B - Air photo, Light Industrial zone, mail notice](#)
[Appendix C - Email from Craig Hunter Re 836 Viewfield Rd](#)

Administration

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

Recommendation:

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.

Attachments: [Attachment No. 1: Liquor and Cannabis Regulation Branch - Driftwood Brewery Application](#)
[Attachment No. 2: Site Plan](#)
[Attachment No. 3: Site Photos \(1\)](#)
[Attachment No. 4: Site Photos \(2\)](#)
[Attachment No. 5: Floor Plan \(1\)](#)
[Attachment No. 6: Floor Plan \(2\)](#)
[Attachment No. 7: Floor Plan \(3\)](#)
[Attachment No. 8: Floor Plan \(4\)](#)
[Attachment No. 9: Public Notice](#)
[Attachment No. 10: LCLB Guidelines](#)
[Attachment No. 11: ADMIN-53 - Amendment to Existing Liquor License](#)

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

Recommendation:

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.

7. BYLAWS

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

Attachments: [Attachment No. 1: Bylaw No. 3014](#)

8. REPORTS FROM COMMITTEES

- 1) [21-175](#) Memorandum - Roger Wheelock, Chair, Design Review Committee, Re: COTW Presentation March 8, 2021

Attachments: [Memo - DRC](#)

- 2) [21-179](#) Memorandum - Graeme Dempster, Chair, Advisory Planning Commission, Re: COTW Presentation March 8, 2021

Attachments: [Memo - APC](#)

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

Attachments: [2021 02 10 Design Review Committee Minutes - Draft](#)

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

Attachments: [2021 02 16 Advisory Planning Commission Minutes](#)

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

Attachments: [Email - Help Cities Lead Campaign](#)

- 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

Attachments: [Email - Biosolid Free BC](#)

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

Attachments: [Email - Delivering Community Power](#)

- 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

Attachments: [Email - MVA Pilot Project Application](#)

- 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

Attachments: [Letter - Smile for a Child Toy Drive](#)

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

Attachments: [Email - Help Cities Lead Campaign](#)

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

Attachments: [Email - US Boarder Reopening](#)

- 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

Attachments: [Email - Hunting of Wolves on Vancouver Island](#)

For Council's Information

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

Attachments: [Email - Anticoagulant Rodenticides](#)

10. RISE AND REPORT

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

Attachments: [Attachment No. 1: 2021 Committee Re-appointments table](#)

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.

12. ADJOURNMENT