



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

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

Monday, August 21, 2017

7:00 PM

Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

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

Attachments: [2017 07 17 Special Council Minutes - Draft](#)

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

Attachments: [2017 07 17 Regular Council Minutes - Draft](#)

5. PRESENTATIONS

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

6. DELEGATIONS

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

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

8. STAFF REPORTS

Development Services

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

Recommendation:

That Council approve the redevelopment of Hither Green Park subject to the following conditions:

- 1) The development generally conform to the Landscape Plan prepared by Small & Rossell Landscape Architects Inc. dated July 21, 2017 and attached as Schedule "B".
- 2) The costs of redevelopment are borne by the owner of the English Inn property (Lot B, Section 11, Esquimalt Plan VIP60066), as proposed by them, and the Township is in receipt of security in the amount of \$230,482.00 being 120 percent of the estimated landscaping costs provided by Small and Rossell, Landscape Architects (Schedule "C") for the redevelopment of Hither Green Park.
- 3) A public "tot lot", no less than 155 m² in land area, is developed on the English Inn

property (Lot B, Section 11, Esquimalt Plan VIP60066), and the costs of development and ongoing maintenance of a “tot lot” are borne by them, as proposed by them.

- 4) Registration of a voluntary Section 219 Covenant and Statutory Right of Way to restrict the use of the proposed “tot lot” area on the English Inn property (Lot B, Section 11, Esquimalt Plan VIP60066) to “park” with development restricted to “playground equipment”, and to allow unrestricted public access to the “tot lot” during daylight hours in perpetuity. In addition, the agreement is to indemnify the Corporation of the Township of Esquimalt from all damages and liability associated with the use and maintenance of the “tot lot”, be registered in priority to all encumbrances of a financial nature and otherwise be in a form acceptable to the Township, consistent with other development-related Covenants/SRWs. The English Inn property owner is to be responsible for registration costs and the Township’s legal fees.
- 5) That staff be authorized to register a right of way on Hither Green Park, legally described as “That Part of Section 11, Esquimalt District Within Plan 37956”, to facilitate right of way access for emergency vehicles from Bewdley Avenue to the English Inn Property legally described as, “Lot B, Section 11, Esquimalt Plan VIP60066”.

Attachments: [Schedule A Key Map](#)
[Schedule B Landscape Plan for Hither Green Park](#)
[Schedule C Landscaping Cost Estimate for Hither Green Park](#)
[Schedule D Hither Green Park Design Rationale](#)
[Schedule E Imagine Tot Lot Plans and Design Rational](#)
[Schedule F No Net Loss of Tot Lot Space Calculation](#)
[Schedule G Hither Green Park for OPEN HOUSE #1](#)
[Schedule H Boards from Second Open House showing emergency access](#)
[Schedule I Boards from Nov 7 2016 Council meeting](#)
[Schedule J Hither Green PlayEm. Access Conflict to Parks and Rec. committee](#)
[Schedule K Display Board from the Recreation Centre](#)
[Schedule L Comments from Public](#)

Engineering and Public Works

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

Recommendation:

That Council approves the implementation of Traffic Order 1257 pending the approval of the proposed redevelopment plan for Hither Green Park.

Attachments: [Attachment 1 Bewdley Ave No Parking Fire Access](#)
[Attachment 2 Public Notification Parking Restriction 4 Aug 2017](#)
[Attachment 3 Responses from Residents](#)
[Attachment 4 TO 1257](#)

Development Services

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

Recommendation:

1. That Council resolves **that Development Variance Permit No. DVP00049 [Appendix A]** authorizing the development as shown on the B.C. Land Surveyor's Building Location Certificate prepared by J.E. Anderson and Associates, stamped 'Received July 18, 2017', the architectural drawings prepared by Merrick Architecture stamped 'Received July 18, 2017', and the landscape plans prepared by Small and Rossell, Landscape Architects, stamped 'Received July 21, 2017', and including the following relaxations to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street]; and that the variance to allow a fence around the 'Neighbourhood Playground Space' and the variance to allow the 'Play Fort' in the southwestern corner of the property not be referred to the Advisory Planning Commission;

Zoning Bylaw 1992, No. 2050, Section 67.71 B. Site A (7)(a) Siting Requirements - Principal Building - A variance to the permitted perimeter of the principal building as shown in the Land Surveyor's Certificate prepared by McElhanney Consulting Services, stamped 'Received September 9, 2013' by substituting the B.C. Land Surveyor's Certificate prepared by J.E. Anderson and Associates, stamped 'Received July 18, 2017';

Zoning Bylaw 1992, No. 2050, Section 67.71 - C. Site B (17)(a) Lot Coverage - An increase to the requirement that all Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 50 % of the Area of Site B for the building foundations and underground parking structure, allowing those structures that are sunk into land to cover 65 % of Site B;

Zoning Bylaw 1992, No. 2050, Section 67.71 - C. Site B (18)(a)(ii) Siting Requirements - Principal Building - Eastern Lot Line setback - A 0.30 metre decrease to the 3.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing up to 0.30 metres for balcony edges within the setback [i.e from 3.5 to 3.2 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(ii) Siting Requirements - Principal Building - Eastern Lot Line setback - A variance to the 3.5 metre minimum setback requirement for building elements up to 11 metres in height; allowing Building Elements (roof peaks) up to 15.0 metres in height with a minimum

setback of 3.5 metres from the Eastern lot line, for 'Level 4' of the eastern most end of 'Building 3' [the Southern Building], [i.e. from 11 metres to 15.0 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iii) Siting

Requirements - Principal Building - Northern Lot Line setback - A 0.30 metre decrease to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing up to 0.30 metres for balcony edges within the setback [i.e. from 4.5 to 4.2 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iii) Siting

Requirements - Principal Building - Northern Lot Line setback - A variance to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing building elements up to 16.0 metres in height with a minimum setback of 4.5 metres from the Northern lot line, to allow for the 'Level 4' exterior corridor, and a portion of 'Building 1' [the Northern Building], [i.e. from 11 metres to 16.0 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iv) Siting

Requirements - Principal Building - Southern Lot Line setback - A 0.30 metre decrease to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing up to 0.30 metres for balcony edges within the setback [i.e. from 4.5 to 4.2 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iv) Siting

Requirements - Principal Building - Southern Lot Line setback - A variance to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing building elements up to 15.5 metres in height with a minimum setback of 4.5 metres from the Southern lot line, to allow for the 'Level 4' southern most portion of 'Building 3' [the Southern Building], [i.e. from 11 metres to 15.5 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(a)(iv) Siting

Requirements - Principal Building - Southern Lot Line setback - A 1.5 metre decrease to the 4.5 metre minimum setback requirement for Building Elements up to 11 metres in height; allowing building elements up to 11 metres in height with a minimum setback of 3.0 metres from the Southern lot line, to allow for the south end of the southwestern 'Townhouse' building [i.e. from 4.5 metres to 3.0 metres];

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (18)(b)(i) Siting

Requirements - Accessory Buildings - A variance to the requirement that no accessory building shall be located in the Front Yard, to allow the 'Play Fort' in the southwestern corner of the property;

Zoning Bylaw 1992, No. 2050 Section 67.71 - C. Site B (20) Fencing - A variance to the requirement that fencing is prohibited within 36.7 metres of the Front Lot Line, to allow a fence around the 'Neighbourhood Playground Space' and along the southern lot line. For certainty, within this area and subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of a Principal Building and no fence shall exceed a Height of 2 metres behind the front face of the Principal Building;

Zoning Bylaw 1992, No. 2050 Section 16. (1)(b)&(e) - SITING EXCEPTIONS - A 0.3 metre increase to the exception; thereby allowing setbacks to be reduced by not more than 0.6 metres only, for certain features if projecting beyond the face of a building and into a setback; allowing portions of the gutters, sills, eaves, and ornamental features [heavy timber trellis elements] to project 0.9 metres into the required Setbacks [i.e. from 0.6 metres to 0.9 metres];

Parking Bylaw, 1992, No. 2011, Section 14. (4) DIMENSIONS OF OFF-STREET PARKING SPACES - An exemption to the requirement that where any Parking Space abuts any portion of a fence or Structure, the minimum stall width shall be increased by 0.3 metres for that Parking Space, for those Parking Spaces abutting a structural column within the parking garage;

Parking Bylaw, 1992, No. 2011, Section 14. - DIMENSIONS OF OFF-STREET PARKING SPACES - TABLE 2 - A 0.65 metre reduction to the required width of the maneuvering isle adjacent to 90° angle parking, from 6.75 metres to 6.1 metres, for the maneuvering isle adjacent to the 'Townhouse' garages.

2. That Council resolves **that Heritage Alteration Permit No. HAP00002 [Appendix B]** that varies the provisions of Heritage Designation [429 Lampson Street] Bylaw, 2013, No. 2807' by allowing the alterations and additions to the heritage building in accordance with the architectural drawings prepared by Merrick Architecture stamped 'Received August 09, 2016', attached to Heritage Alteration Permit No. HAP00002 as Schedule 'A', **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street];
3. That Council resolves that **Development Permit No. DP000072 [Appendix C]** authorizing the development as shown on the B.C. Land Surveyor's Building Location Certificate prepared by J.E. Anderson and Associates, stamped 'Received July 18, 2017', the Architectural Drawings and Colourboard prepared by Merrick Architecture stamped 'Received July 18, 2017', the Site Circulation Plan and Exterior Corridors Condition Perspective Views prepared by Merrick Architecture stamped 'Received May 8, 2017', and the Landscape Plans prepared by Small and Rossell, Landscape Architects, stamped 'Received July 21, 2017', **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street].

Attachments: [Appendix A - DVP00049 - English Inn - 429 Lampson Street](#)
[Appendix B - HAP00002 - English Inn Manor House - 429 Lampson](#)
[Appendix C - DP000072 - 429 Lampson Street](#)
[Appendix D - Subject Property Map, Air Photo, DVP Mail Notice](#)
[Appendix E - CD No 84 Zone, Heritage Designation Bylaw 2807, DP No 7 Guidelines](#)
[Appendix F - Phasing Plan, Development Permit Design Summary and Rationale, and Sustainability Design Rationale](#)
[Appendix G - Development Variance Permit Summary and Rationale](#)
[Appendix H - BC Land Surveyors Building Location Certificate](#)
[Appendix I - Landscape Plans - August 2017](#)
[Appendix J - Response to Design Review Committee - Deer, Lighting, Corridors, Site Circulation](#)
[Appendix K - Parking Study, Parking Layout Review, Green Building Checklist - August 2016](#)
[Schedule L - Public Comments](#)

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

Recommendation:

That Council receive the 2016 Climate Action Revenue Incentive Program Report for information.

Attachments: [Appendix A CARIP Summary 2008 2016](#)
[Appendix B 2016 CARIP Report](#)
[Appendix C 2016 Corporate GHG Inventory FINAL](#)
[Appendix D Energy and GHG Comparative Tables 2012 to 2016](#)
[Appendix E CRD Municipalities CARIP 2012 2016](#)

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

Recommendation:

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].

Attachments: [Appendix A - DP000093 - 10 Phillion Pl](#)

[Appendix B - DVP00068 - 10 Phillion Pl](#)

[Appendix C - Subject Property Map, Air Photo, RS-3 Zone, DP Area 4, Mail Notice](#)

[Appendix D - Site Plan, Architectural Plans & Landscape Plan](#)

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

Recommendation:

That Council approve Temporary Use Permit No. TUP00004 authorizing the use of approximately 110 m2 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.

Attachments: [Appendix A TUP00004 453 Head Street Office and Presentation Centre for the Triangle Lands](#)
[Appendix B TUP00004 Notice of Intent to Issue a Temporary Use Permit](#)
[Appendix C TUP00004 e-mail stating that the Salish Seaside RV Haven has no objections](#)

Engineering and Public Works

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

Recommendation:

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.

Attachments: [Attachment 1 - Definition Extraordinary Traffic](#)
[Attachment 2 - Division 2, Clause 16](#)

- 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

Recommendation:

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.

Attachments: [Attachment 1 - Township Guide to Traffic Calming](#)

9. BYLAWS

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

Attachments: [Bylaw 2899 - Building Regulation Bylaw](#)

10. MAYOR'S AND COUNCILLORS' REPORTS**11. REPORTS FROM COMMITTEES**

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

Attachments: [2017 07 18 Advisory Planning Commission Minutes - Draft](#)

12. COMMUNICATIONS

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

Attachments: [Letter - MLA Malcolmson](#)

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

Attachments: [Letter - T Woods, Ribfest](#)

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

Attachments: [Letter - ML McKenna, Esquimalt Neighbourhood House](#)

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

Attachments: [Email - Mayor Helps](#)

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

Attachments: [Letter - City of Victoria, McPherson Playhouse](#)

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

Attachments: [Letter - City of Victoria, We Speak Translate Project](#)

13. NOTICE OF MOTION

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

Attachments: [Notice of Motion re Urban Hens](#)
[Request re Urban Hens](#)

14. RISE AND REPORT

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

Attachments: [2022 Commonwealth Games](#)

15. PUBLIC QUESTION AND COMMENT PERIOD

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

16. ADJOURNMENT