



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Agenda - Final

Council

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

Monday, June 10, 2019

7:00 PM

Esquimalt Council Chambers

1. **CALL TO ORDER**

2. **LATE ITEMS**

3. **APPROVAL OF THE AGENDA**

4. **MINUTES**

- 1) [19-276](#) Minutes of the Special Meeting of Council, May 27, 2019

Attachments: [2019 05 27 Special Council Minutes - Draft](#)

- 2) [19-277](#) Minutes of the Regular Meeting of Council, May 27, 2019

Attachments: [2019 05 27 Regular Council Minutes - Draft](#)

5. **PRESENTATIONS**

- 1) [19-278](#) Ian Robertson, CEO and Dave Cowen, Chair, Greater Victoria Harbour Authority, Re: GVHA Activities and 2018 / 2019 Financials

Attachments: [Presentation Application - Greater Victoria Harbour Authority](#)

- 2) [19-279](#) Victoria Police Department Quarterly Report - Framework Agreement, Chief Del Manak

Attachments: [VicPD 2019 Q1 Report to Esquimalt](#)

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

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

7. **STAFF REPORTS**

Development Services

- 1) [19-262](#) Development Permit and Development Variance Permit - 10-300 Plaskett Place, Staff Report DEV-19-049

Recommendation:

1. That Council resolves that Development Permit No. DP000118 [Appendix A] authorizing construction of a patio deck as illustrated in the plans prepared by Java Designs, and sited in accordance with the BC Land Surveyor's Site Plan prepared by Michael E. Claxton, both stamped "Received April 9, 2019", be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 10-300 Plaskett Place [PID 017-658-187 Strata Lot 10, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as

shown on Form 1]; and

2. That Council resolves that Development Variance Permit No. DVP00090 [Appendix B] authorizing construction of a patio deck as illustrated in the plans prepared by Java Designs, sited in accordance with the BC Land Surveyor's Site Plan prepared by Michael E. Claxton, both stamped "Received April 9, 2019", and including the following variances be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 10-300 Plaskett Place [PID 017-658-187 Strata Lot 10, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1]:

Zoning Bylaw, 1992, No. 2050, Section 34 (8)(a) - Lot Coverage: A 1.2% increase to the requirement that all Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel [i.e. from 30% to 31.2%]

Zoning Bylaw, 1992, No. 2050, Section 34 (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

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(ii) - Siting Requirements - Accessory Building - Side Setback: A 1.1 metres decrease to the requirement that no Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line [i.e. from 1.5 metres to 0.4 metres]

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(iv) - Siting Requirements - Accessory Building - Building Separation: Exemption from the requirement that no Accessory Building shall be located within 2.5 metres of a Principal Building.

Attachments: [Appendix A - DP000118](#)
[Appendix B - DVP00090](#)
[Appendix C - Subject Map, Aerial Map](#)
[Appendix D - Mail Notice](#)
[Appendix E - Architectural Drawings and Surveyor's Site Plan](#)
[Appendix F - Applicant's Comments for Development Permit](#)
[Area Guidelines](#)

- 2) [19-263](#) Development Variance Permit - 835 Dunsmuir Road, Staff Report DEV-19-050

Recommendation:

That Council resolves that Development Variance Permit No. DVP00091, as attached as Appendix A to Staff Report DEV-019-050, to authorize the following variance to Zoning Bylaw, 1992, No. 2050, as shown on the architectural plan of the parking level, provided by Praxis Architects Inc., stamped "Received May 15, 2019", for the proposed 5 storey, 32 unit apartment building, be approved, and staff be directed to issue the permit and register the notice on the title of the property located at 835 Dunsmuir Road [PID 030-709-156, Parcel A (Being a consolidation of Lots 2 and 3, see CA7353737), Section 11, Esquimalt District, Plan

9757].

Zoning Bylaw, 1992, No. 2050, Section 67.95. (9)(a)(v) - Siting Exceptions - Principal Building - A 0.7 metre decrease to the requirement that no principal building shall be located within 2.0 metres of the northern Exterior Side Lot Line to accommodate the parking structure situated below the First Storey [i.e. from 2.0 metres to 1.3 metres].

Attachments: [Appendix A - DVP00091](#)
[Appendix B - Subject Property Map, Aerial Map](#)
[Appendix C - Mail Notice](#)
[Appendix D - Letter from Applicant](#)
[Appendix E - Architectural Plan](#)

- 3) [19-266](#) Review of Capital Regional District's Population Projections Update for Township of Esquimalt, Staff Report DEV-19-050

Recommendation:

That Council request the Capital Regional District to obtain a third party review of the methodology used to calculate the population, dwelling unit, and employment projections prior to commencing the amending process for the Regional Growth Strategy.

Attachments: [Appendix A - Planning and Protective Services Committee meeting agenda](#)
[Appendix B - RGS Table 1 - Municipal and EA Projections](#)
[Appendix C - BC Statistics Methodology Report](#)
[Appendix D - RGS Table 1 - Sub-regional Projections](#)

- 4) [19-267](#) Rezoning Application - 638 & 640 Constance Avenue and 637 Nelson Street, Staff Report DEV-19-052

Recommendation:

1. That Council resolves to rescind third reading of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927, 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];

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927, attached to Staff Report DEV-19-052 as Appendix A, be amended and read anew at third reading; and

3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-19-052, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles 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
- Two visitor parking spaces
- \$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.

Attachments: [Appendix A - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927](#)
[Appendix B - Subject Property Map, Aerial Map, OCP Policies](#)
[Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)
[Appendix D - Green Building Checklist](#)
[Appendix E - Public Hearing Staff Report DEV-19-039, May 6, 2019](#)

- 5) [19-269](#) Housing Agreement Bylaw - 638 and 640 Constance Avenue & 637 Nelson Street, Staff Report DEV-19-051

Recommendation:

1. That Council resolves to rescind third reading of Housing Agreement Bylaw, 2019, No. 2954 for 638 Constance Avenue, 640 Constance Avenue and 637 Nelson Street; and
2. That Council resolves that Housing Agreement Bylaw, 2019, No. 2954, attached to Staff

Report DEV-19-051 as Appendix A, be amended, read anew at second reading and given third reading.

Attachments: [Appendix A - Housing Agreement Bylaw, 2019, No. 2954](#)

- 6) [19-272](#) Development Permit and Development Variance Permit, 1129 Munro Street, Staff Report Dev-19-053

Recommendation:

1. That Council resolves that Development Permit DP000111 as attached to Staff Report DEV-19-053 as Appendix A, authorizing construction of an accessory building as illustrated in the plans prepared by Jeffrey A. Duffield, sited in accordance with the BC Land Surveyors Site Plan prepared by Ryan P. Hourston, both stamped "Received April 8, 2019", be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 1129 Munro Street [PID 026-958-376, Lot 2, Section 11, Esquimalt District, Plan VIP82523].
2. That Council resolves that Development Variance Permit DP00082 as attached to Staff Report DEV-19-053 as Appendix B, authorizing construction of an accessory building as illustrated in the plans prepared by Jeffrey A. Duffield, sited in accordance with the BC Land Surveyors Site Plan prepared by Ryan P. Hourston, both stamped "Received April 8, 2019", and including the following variances be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 1129 Munro Street [PID 026-958-376, Lot 2, Section 11, Esquimalt District, Plan VIP82523].

Zoning Bylaw, 1992, No. 2050, Section 34 (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.

Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) - Provisions and Maintenance of

Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building [i.e. the one required parking space will be located in the new accessory building].

Attachments: [Appendix A - DP000111](#)

[Appendix B - DVP00082](#)

[Appendix C - Drawings and Survey](#)

[Appendix D - Subject Property Map and Aerial Photo](#)

[Appendix E - Development Permit Area 1 and 3](#)

[Appendix F - Zoning Bylaw RS1](#)

- 7) [19-274](#) Rezoning Application - 916 and 920 Old Esquimalt Road, Staff Report DEV-19-054

Recommendation:

1. That Council resolves that Bylaw No. 2948 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 916 Old Esquimalt Road [PID 003-446-093; Lot C, Section 11, Esquimalt District, Plan 21636] and 920 Old Esquimalt Road

[PID 003-446-395; Lot D, Section 11, Esquimalt District, Plan 21636] from RD-3 [Two Family/Single Family Residential] to CD No. 115 [Comprehensive Development District No. 115], be amended as follows:

- a) In section 67.101 (1) Permitted Uses - delete b) Secondary Suite: subject to the requirements of Section 30.6 and this CD-115 zone, and reassign the sequence remaining uses appropriately; and
 - b) In section 67.101 (4) Density - change "limited to ten" to "limited to five"; and
 - c) In section 67.101 (6) Secondary Suites - delete Section 6; and
 - d) In section 67.101 (10) (d) Fencing - change "not more 2.0 metres" to "not more than 2.0 metres"; and
 - e) In sections 67.101 (7 through 11) - renumber sections to 6 through 10; and
- Amendment Bylaw No. 2948 be given second reading as amended; and

2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2948, and to advertise for same in the local newspaper.

Attachments: [Appendix A - Amendment Bylaw No. 2948](#)
[Appendix B - Maps - Property, Air Photo, OCP Designations, Zoning, RS-1, RD-3 zones](#)
[Appendix C - Rendering, Shadow Study, Green Building Checklist](#)
[Appendix D - Architect Drawings, Landscape Plan & BCLS](#)
[Appendix E - Applicants Public Consultation](#)
[Appendix F - Public Comments](#)

8. BYLAWS

- 1) [19-268](#) Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961 - For Adoption

Attachments: [Fees and Charges \(Miscellaneous\) Bylaw, 2019, No. 2961](#)

9. MAYOR'S AND COUNCILLORS' REPORTS

- 1) [19-287](#) Colquitz/Gorge Watershed Special Management Area - Governance, Mayor Barbara Desjardins

Attachments: [Colquitz Gorge Watershed - Mayor Desjardins](#)
[Letter from Songhees Nation](#)
[Draft Governance Models](#)

- 2) [19-290](#) FCM Standing Committee, Councillor Ken Armour

Attachments: [FCM Standing Committee - Armour](#)

10. REPORTS FROM COMMITTEES

- 1) [19-285](#) Adopted Minutes from the Advisory Planning Commission, April 16, 2019

Attachments: [2019 04 16 Advisory Planning Commission Minutes](#)

11. COMMUNICATIONS

- 1) [19-281](#) Email from B. Funes, Executive Correspondence Officer for the Prime Minister's Office, dated May 29, 2019, Re: New Canadian Maritime Museum in Victoria

Attachments: [Email - Prime Minister's Office](#)

- 2) [19-282](#) Letter from Inder Litt, President, Licence Inspectors' and Bylaw Officers' Association of British Columbia, received June 4, 2019, Re: On the Verge of Victory in Precedent-Setting Local Government Dangerous Dog Appeal

Attachments: [Letter - LIBOA](#)

- 3) [19-283](#) Email from Nubwa Wathanafa, Constituency Assistant to Mitzi Dean, MLA for Esquimalt-Metchosin, dated June 3, 2019, Re: BC Budget 2020 Consultation

Attachments: [Email - MLA Mitzi Dean](#)

- 4) [19-284](#) Email from Christine Havelka, Deputy City Clerk, City of Victoria, dated June 3, 2014, Re: Letter from Mayor Lisa Helps Re: Victoria City Council - Provincial Support for Libraries

Attachments: [Email - City of Victoria](#)

- 5) [19-289](#) Letter from Genevieve Casault, Manager, Heritage Programs and Services, BC Heritage Branch, Ministry of Forests, Lands and Natural Resource Operations, dated May 31, 2019, Re: Francophone Historic Places Project Results

Attachments: [Letter - Heritage Branch](#)

12. PUBLIC QUESTION AND COMMENT PERIOD

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

Limit of two minutes per speaker.

13. ADJOURNMENT