



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Agenda - Final

Council

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

Monday, May 25, 2020

7:00 PM

Esquimalt Council Chambers

Ministerial Order No. M139 – May 1, 2020

Division 2 – Open meetings – municipalities 3. (1) A council, or a body referred to in section 93 [application of rule to other bodies] of the Community Charter, is not required to allow members of the public to attend an open meeting of the council or body. (2) For the purposes of Division 3 [Open Meetings] of Part 4 [Public Participation and Council Accountability] of the Community Charter, if a council or a body does not allow members of the public to attend an open meeting under subsection (1) of this section, the open meeting is not to be considered closed to the public. (3) This section applies despite (a) Division 3 [Open Meetings] of Part 4 [Public Participation and Council Accountability] of the Community Charter, and (b) any applicable requirements in a municipality procedure bylaw of a council.

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**
- 3. APPROVAL OF THE AGENDA**
- 4. MINUTES**
 - 1) [20-237](#) Minutes of the Regular Council meeting held May 4, 2020
Attachments: [Minutes of the Regular Council meeting, May 4, 2020](#)
 - 2) [20-234](#) Minutes of the Special Council meeting held May 11, 2020
Attachments: [Minutes of the Special Council meeting, May 11, 2020](#)
- 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**

Administration

- 1) [20-242](#) Emergency Operations Centre Update, Staff Report No. ADM-20-013

Recommendation:

That Council receive Staff Report No. ADM-20-013 for information.

Development Services

- 2) [20-226](#) Development Permit and Development Variance Permit - 937 Colville Road, Staff Report No. DEV-20-023

Recommendation:

That Council resolves that **Development Permit No. DP000133** [Appendix A of staff report DEV-20-023] authorizing the design of the proposed six-unit residential building, consistent with the B.C. Land Surveyor's Site Plan prepared by Summit Land Surveying stamped 'Received Jan 28, 2020', the architectural drawings prepared by Christine Lintott Architects, stamped 'Received March 18, 2020', and the landscape plan prepared by Imagine Garden Design and Landscapes stamped "Received March 18, 2020" **be approved, and staff be directed to issue the permit, and register the notice on the title of the property** located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277]; and

That Council resolves that **Development Variance Permit No. DVP00097** [Appendix B of staff report DEV-20-023] authorizing an increase to the permitted height for the proposed building consistent with the B.C. Land Surveyor's Site Plan prepared by Summit Land Surveying stamped 'Received Jan 28, 2020', and the architectural drawings prepared by Christine Lintott Architects, stamped 'Received March 18, 2020', 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 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277];

Zoning Bylaw 1992, No. 2050, Section 67.113, [CD No. 126], (6) Building Height: An increase to the permitted height of a building from 9.1 metres to 9.5 metres measured from grade to the midpoint between the eaves and the highest ridge, for a variance of 0.4 metres.

Attachments: [Appendix A - DP000133 - 937 Colville Road - with Schedules A & B](#)

[Appendix B - DVP00097 - 937 Colville Road - with Schedule A](#)

[Appendix C - Air Photo, CD No. 126 zone, Mail Notice](#)

[Appendix D - Applicants Letter, Green Checklist, Colourboard](#)

[Appendix E - Site Plan, Architectural Drawings, Landscape Plan](#)

[Appendix F - DP Guidelines - Jan 2020 - DPA 1, 6, 7](#)

[Appendix G - DP Guidelines - May 2020 - DPA 2, 8](#)

[Appendix H - PowerPoint Presentation - Applicant](#)

- 3) [20-227](#) Development Permit - 469 Sturdee Street, Staff Report No.

DEV-20-024

Recommendation:

That Council resolves that Development Permit No. DP000130 [Appendix A of staff report DEV-20-024] authorizing the design of a two-family dwelling (duplex) to be constructed in accordance with the BCLS Site Plan prepared by Brent Mayenburg, Wey Mayenburg Land Surveying Inc., stamped "Received February 10, 2020", is consistent with the architectural plans prepared by Adapt Design stamped "Received February 19, 2020", and the landscape plan prepared by Small and Rossell, Landscape Architects Inc., stamped "Received February 4, 2020" **be approved, and** (subject to receipt of the required landscape security) **staff be directed to issue the permit, and register the notice on the title of the property** located at 469 Sturdee Street [PID 008-289-123, Lot 16, Suburban Lot 48, Esquimalt District, Plan 822].

Attachments: [Appendix A - DP000130 - 469 Sturdee Street](#)

[Appendix B - Air photo, RD-3 zone](#)

[Appendix C - Surveyors Site Plan, Architectural Plans, Landscape Plan, Colourboard](#)

[Appendix D - DP Guidelines - Jan 2020 - DPA 1, 3, 7, & 8](#)

[Appendix E - Green Building Checklist - Energy Modeling Report - Built Green Checklist](#)

[Appendix F - PowerPoint Presentation - Applicant](#)

- 4) [20-228](#) Official Community Plan Amendment and Rezoning Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street, Staff Report No. DEV-20-025

Recommendation:

1. That Council resolves to **rescind second reading, amend, and read anew a second time** Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, attached to Staff Report DEV-20-025 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 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], all shown cross hatched on Schedule 'A' of Bylaw No. 2965, from RM-1 [Multiple Family Residential] to CD No. 121 [Comprehensive Development District No. 121];

2. Subject to any Ministerial Order, that Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, mail notices and advertise for same in the local newspaper; 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-20-025, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 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] 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 616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street prior to development as the proposed CD No.121 Zone does not work unless the parcels are consolidated
- Undergrounding of the electric power lines along Constance Avenue and Nelson Street adjacent to the subject property
- 8 affordable dwelling units
- 3 special needs dwelling units
- Group daycare for children
- Building to be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code
- The building be constructed to include a minimum of six 3-bedroom (or more) dwelling units
- Right of way in the southeast corner to allow for privately owned publicly accessible open space
- Right of way and public walkway between Constance Avenue and Nelson Street on the northern part of the subject property
- A minimum of 17 visitor parking spaces will be provided and remain
- 100 shares for a membership for a shared vehicle service for the residents
- 88 bus passes for one year for residents
- 2 operational automobiles to be owned and maintained by the owner of the building for sole use of the residents at the building owner's expense.

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, and with Mayor and CAO authorized to execute said Covenant, prior to returning Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965 to Council for consideration of adoption.

Attachments: [Appendix A - Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964](#)
[Appendix B - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965](#)
[Appendix C - Subject Property Map, Aerial Map, OCP Proposed LUD Map, Zoning Map, OCP Policies](#)
[Appendix D - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)
[Appendix E - Green Building Checklist](#)
[Appendix F - Applicant's Letter](#)
[Appendix G - Transportation Impact Assessment Report](#)
[Appendix H - Official Community Plan Amendment Consultation Responses](#)
[Appendix I - Sanitary Flow Calculations](#)
[Appendix J - Developer's Public Consultation Summary](#)
[PowerPoint Presentation - Staff](#)
[PowerPoint Presentation - Applicant](#)

REPORTS FROM COMMITTEES

- 1) [20-224](#) Adopted Minutes from the Advisory Planning Commission, February 18, 2020

Attachments: [2020 02 18 Advisory Planning Commission Minutes](#)

- 2) [20-225](#) Draft Minutes from the Advisory Planning Commission, April 21, 2020

Attachments: [2020 04 21 Advisory Planning Commission Minutes](#)

7. COMMUNICATIONS

For Council's Consideration

- 1) [20-219](#) Email from Al Siebring, Mayor, District Municipality of North Cowichan, dated May 4, 2020, Re: Temporary Tax Deferral Program Expansion

Attachments: [Email - Temporary Tax Deferral Program Expansion](#)

- 2) [20-220](#) Email from Kate Hughes and various Esquimalt residents, dated May 3, 2020, Re: Community Proposal Regarding Garthland Road Park

Attachments: [Email - Community Proposal re Garthland Road Park](#)

- 3) [20-221](#) Email from Dennis Schafer, Stick & Stone Cannabis Co., dated April 30, 2020, Re: Letter of Support (Addressing Options for Safety Measures with Cannabis Retailers)

Attachments: [Email - Letter of Support \(Cannabis Retailers\)](#)

- 4) [20-222](#) Email from Andrew Paumier and Shannon Moriarity, Indecent Risotto, dated April 30, 2020, Re: Request for Input (Operating Food Trucks)

Attachments: [Email - Request for Input re Food Trucks](#)

- 5) [20-240](#) Email from Donna Stennes, Administrative Assistant to Mayor and Council, City of Nanaimo, dated May 13, 2020, Re: Supporting Businesses by Making Liquor Licensing More Flexible

Attachments: [Email - Liquor Licensing Flexibility](#)

- 6) [20-241](#) Email from Jeff Guignard, Executive Director, The Alliance of Beverage Licensees, dated May 12, 2020, Re: Flexible, Innovative, and Expedited Patio Permitting

Attachments: [Email - Patio Permitting](#)

- 7) [20-247](#) Letter from Katrine Conroy, Minister of Children and Family Development, dated May 13, 2020, Re: Child and Youth in Care Week

Attachments: [Letter - Child and Youth in Care Work](#)

- 8) [20-248](#) Email from Kelly Timms, Executive Services Coordinator, Capital Regional District, dated May 15, 2020, Re: Municipal Consent for Bylaw No. 4304 Liquid Waste Management Core Area and Western Communities Establishment Bylaw No. 1, 1995, Amendment Bylaw No. 3, 2020

Attachments: [Email - CRD Municipal Consent for Bylaw No. 4304](#)

- 9) [20-250](#) Letter from Mayor Haynes, District of Saanich, dated March 11, 2020, Re: Invitation to Collaborate on BC Motor Vehicle Act Pilot Project

Attachments: [Letter - Collaborate on BC Motor Vehicle Act Pilot Project](#)

8. RISE AND REPORT

- 1) [20-238](#) 2020 Committee Re-appointments from May 4, 2020, In Camera meeting

Attachments: [Rise & Report - Committee Re-appointments 2020](#)

9. 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.

10. ADJOURNMENT

