



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Agenda - Final-revised

### Council

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

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Monday, April 25, 2022

7:00 PM

Esquimalt Council Chambers

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*In person attendance is permitted.*

*Members of the public are encouraged to submit their support or opposition in writing by emailing comments to [corporate.services@esquimalt.ca](mailto:corporate.services@esquimalt.ca) or mailing or delivering comments to 1229 Esquimalt Rd, Esquimalt, BC, V9A 3P1 before 12:00 p.m. (noon) on the day of the meeting.*

*To provide comments to Council electronically during the meeting, please contact the Corporate Officer for inclusion on the Speakers' List at 250-414-7135 before 4:30 p.m. on the day of the meeting.*

*The Regular Meeting of Council will be streamed on the following link:  
<https://esquimalt.ca.legistar.com/Calendar.aspx>.*

#### 1. CALL TO ORDER

#### 2. LATE ITEMS

- 1) [22-181](#) If any late items are received for the agenda, they will be uploaded prior to the meeting and attached below.

*Attachments:* [Summary Page - Late Agenda Items](#)  
[Public Hearing - 1075 Tillicum Road- Late Correspondence](#)  
[2022 Financial Plan and Tax Rate Bylaws - Late Correspondence](#)  
[1221 Carlisle - Public Input 2021](#)

#### 3. APPROVAL OF THE AGENDA

#### 4. MINUTES

- 1) [22-167](#) Minutes of the Special Council meeting held April 4, 2022  
*Attachments:* [Minutes of the Special Council meeting held April 4, 2022](#)
- 2) [22-168](#) Minutes of the Regular Council meeting held April 4, 2022  
*Attachments:* [Minutes of the Regular Council meeting held April 4, 2022](#)
- 3) [22-189](#) Minutes of the Special Council Meeting held April 11, 2022  
*Attachments:* [Minutes of the Special Council Meeting held April 11, 2022](#)

#### 5. PUBLIC HEARING - REZONING APPLICATION - 1075 TILLICUM ROAD

*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.*

*Attendance at Public Hearing:*

*In person attendance is permitted at the Public Hearing and an opportunity for public input will be provided during the hearing.*

*Written Submissions:*

*Written comments may be sent to [corporate.services@esquimalt.ca](mailto:corporate.services@esquimalt.ca) or delivered to 1229 Esquimalt Rd, Esquimalt, BC, V9A 3P1. Written comments received by noon on the day of the hearing will be included in the revised meeting agenda. Written submissions received after noon on the day of the hearing will be circulated at the hearing. All correspondence submitted will form part of the public record.*

*Sign Up to Speak:*

*If you wish to provide comments to Council electronically via telephone during the Public Hearing, please contact the Corporate Officer for further details and scheduling at 250-414-7135 prior to 4:30 p.m. on the day of the meeting. You will be invited to speak when it is your turn based on the order that requests were received.*

*Once the Public Hearing has closed there will be no further opportunities to provide public input on this agenda item.*

- 1) [22-192](#) Public Hearing Notice - Rezoning Application - 1075 Tillicum Road

Attachments: [Public Hearing Notice - Rezoning Application - 1075 Tillicum Road](#)

- 2) **Background Information - Available for Viewing Separately**

- 3) **Director of Development Services - Overview of Application**

- a) [22-170](#) Rezoning Application - 1075 Tillicum Road, Staff Report No. DEV-22-029

Attachments: [Appendix A - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3056](#)  
[Appendix B - Aerial Map](#)  
[Appendix C - Architectural Plan, Landscape Plan, and Surveyor's Site Plan](#)  
[Appendix D - Green Building Checklist](#)  
[Appendix E - Parking Study](#)  
[Appendix F - Developer's Public Consultation Summary](#)  
[Appendix G - Traffic Impact Assessment](#)  
[Appendix H - Public Input](#)  
[Appendix I - Applicant's Presentation](#)  
[Appendix J - Staff's Presentation](#)

- 4) Applicant or Authorized Representative - Overview of Application
- 5) Public Input
- 6) Adjournment of Hearing
- 7) Consideration of Staff Recommendation
6. 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.
7. STAFF REPORTS

#### **Administration**

- 1) [22-182](#) 2022 General Local Elections Bylaws, Staff Report No. ADM-22-010

#### **Recommendation:**

That Council:

1. give first, second, and third readings to “*Election and Assent Voting Procedures Bylaw, 2022, No. 3068*”; and
2. give first, second, and third readings to “*Automated Vote Counting System Authorization and Procedures Bylaw, 2022, No. 3069*”.

*Attachments:* [Attachment 1 - Bylaw No. 3068 - Elections and Assent Voting Procedures Bylaw, 2022](#)  
[Attachment 2 - Bylaw No. 3069 - Automated Vote Counting System Authorization and Procedures Bylaw, 2022](#)  
[Attachment 3 - Bylaw No. 2928 - Election Procedures and Automated Voting](#)

- 2) [22-186](#) Council Policy ADMIN-78, Requests for Access to Records - Development Services

#### **Recommendation:**

That Council approve Council Policy ADMIN-78: Requests for Access to Records - Development Services, as attached to Staff Report No. ADM-22-011.

*Attachments:* [Appendix A: ADMIN 78 Requests for Access to Records Development Services](#)  
[Appendix B: Guidelines Access to Records Requests Development Services](#)  
[Attachment 1: Routinely Available Records](#)  
[Attachment 2: Building Plans Request](#)  
[Attachment 3: Information Request Log](#)  
[Attachment 4: FOI Request Form](#)  
[Appendix C: Freedom of Information Bylaw 2795](#)

- 3) [22-190](#) Amendments to Fees and Charges (Miscellaneous) Bylaw, 2019,

No. 2961, Staff Report No. ADM-22-012

**Recommendation:**

That Council give first, second, and third readings to Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961, Amendment Bylaw, 2022, No. 3070.

*Attachments:* [Attachment 1: Bylaw 3070](#)

[Attachment 2: Bylaw 2961 Fees and Charges Bylaw 2019](#)

**Finance**

- 4) [22-180](#) 2022 Financial Plan and Tax Rate Bylaws, Staff Report FIN-22-007

**Recommendation:**

That Council give first, second and third readings to Financial Plan Bylaw, 2022, No. 3054 and Tax Rates Bylaw, 2022, No. 3055.

*Attachments:* [Bylaw 3054 - 2022 Financial Plan](#)

[Bylaw 3054 - 2022 Financial Plan Sch A](#)

[Bylaw 3054 - 2022 Financial Plan Sch B](#)

[Bylaw 3055 - 2022 Tax Rates](#)

[Bylaw 3055 - 2022 Tax Rates Sch A](#)

**Development Services**

- 5) [22-063](#) Rezoning Application and Addition to the Esquimalt Heritage Register - 1253 Lyall Street, Staff Report No. DEV-22-033

**Recommendation:**

1. That Council not hold a Public Hearing pursuant to *Local Government Act*, Section 464(2) for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3057 (Appendix A), which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 1253 Lyall Street [PID 000-158-992; Lot 6, Block A, Suburban Lot 49, Esquimalt District, Plan 772], shown cross-hatched on Schedule 'A' of Bylaw No. 3057, from Two Family DADU Residential [RD-4] to Comprehensive Development District No. 148 [CD No. 148], and direct staff to proceed with appropriate public notification and return the bylaw to Council for consideration of first and second reading; and

2. That 1253 Lyall Street [PID: 000-158-992; Lot 6, Block A, Suburban Lot 49, Esquimalt District, Plan 772] be added to the Esquimalt Heritage Register and that the Statement of Significance [Appendix G] be accepted as presented.

*Attachments:* [Appendix A - Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3057](#)  
[Appendix B - s.219 Covenant](#)  
[Appendix C - Subject Property, OCP & Zoning Maps, RS-1 Zone](#)  
[Appendix D - BCLS Site Plan, Architectural Plans, Preliminary Landscape Plan](#)  
[Appendix E - Applicant's Green Building Checklist](#)  
[Appendix F - Applicant's Community Consultation Summary](#)  
[Appendix G - Statement of Significance](#)  
[Appendix H - Staff Presentation to Council](#)  
[Appendix I - Applicant's Presentation to Council](#)

- 6) [22-172](#) Development Permit Application - 530, 534 & 538 West Bay Terrace, and 877 & 879 Dunsmuir Road, Staff Report No. DEV-22-031

***Recommendation:***

That Council approves Development Permit No. DP000172, attached as Appendix A to Staff Report DEV-22-031, consistent with the architectural plans provided by dHKarchitects, landscape plan provided by LADR Landscape Architects, and sited in accordance with the site plan provided by Polaris Land Surveying, Inc., all stamped "Received March 25, 2022", and staff be directed to issue the permit and register the notice on the title of the property located at 530 West Bay Terrace [PID 005-090-202, Lot 7, Section 11, Esquimalt District, Plan 11515], 534 West Bay Terrace [PID 000-074-659, Lot 6, Section 11, Esquimalt District, Plan 11515], 538 West Bay Terrace [PID 000-074-594, Lot 5, Section 11, Esquimalt District, Plan 11515], 877 Dunsmuir Road [PID 005-090-181, Lot 2, Section 11, Esquimalt District, Plan 11515], and 879 Dunsmuir Road [PID 000-074-683, Lot 1, Section 11, Esquimalt District, Plan 11515].

*Attachments:* [Appendix A - DP000172](#)  
[Appendix B - Aerial Map and CD No. 144 Zone](#)  
[Appendix C - Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)  
[Appendix D - Green Building Checklist](#)  
[Appendix E - Applicant's Comments for Development Permit Area Guidelines](#)  
[Appendix F - Applicant's Presentation](#)  
[Appendix G - Staff's Presentation](#)

- 7) [22-174](#) Rezoning Application - Proposed 213-Unit 5-Storey Multifamily Apartment - 1221 Carlisle Avenue, Staff Report DEV-22-032

***Recommendation:***

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3065, attached to Staff Report No. DEV-22-174 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation

of the following parcels legally described as (or as may be updated following consolidation of the parcels):

Lot	Section	District	Plan	PID
11	11	Esquimalt	946	002-179-105
14	11	Esquimalt	946	008-183-309
15	11	Esquimalt	946	008-183-376
16	11	Esquimalt	946	000-248-134
17	11	Esquimalt	946	008-183-422
18	11	Esquimalt	946	008-183-481
19	11	Esquimalt	946	008-183-546
20	11	Esquimalt	946	005-587-638
21	11	Esquimalt	946 (See Note)*	008-183-597
21	11	Esquimalt	946 (See Note)**	008-183-601
22	11	Esquimalt	946	008-183-619
23	11	Esquimalt	946	008-183-635
A	11	Esquimalt	3829	006-111-092
B	11	Esquimalt	3829	006-111-131

Note:

\* THAT PART OF LOT 21, SECTION 11, ESQUIMALT DISTRICT, PLAN 946, LYING TO THE EAST OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH WESTERLY BOUNDARIES OF SAID LOT

\*\*EXCEPT THAT PART OF LOT 21, SECTION 11, ESQUIMALT DISTRICT, PLAN 946, LYING TO THE EAST OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH WESTERLY BOUNDARIES OF SAID LOT

all shown cross hatched on Schedule 'A' of Bylaw No. 2989, from to CD No. 152 [Comprehensive Development District No. 152] be given first and second reading;

2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3065, 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 No. DEV-22-032, the applicant has voluntarily agreed to register a Section 219 Covenant and Housing Agreement Covenant on the titles of the following parcels legally described as (or as may be updated following consolidation of the parcels):

Lot	Section	District	Plan	PID
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11	11	Esquimalt	946	002-179-105
14	11	Esquimalt	946	008-183-309
15	11	Esquimalt	946	008-183-376
16	11	Esquimalt	946	000-248-134
17	11	Esquimalt	946	008-183-422
18	11	Esquimalt	946	008-183-481
19	11	Esquimalt	946	008-183-546
20	11	Esquimalt	946	005-587-638
21	11	Esquimalt	946 (See Note)*	008-183-597
21	11	Esquimalt	946 (See Note)**	008-183-601
22	11	Esquimalt	946	008-183-619
23	11	Esquimalt	946	008-183-635
A 11		Esquimalt	3829	006-111-092
B 11		Esquimalt	3829	006-111-131

## Note:

\* THAT PART OF LOT 21, SECTION 11, ESQUIMALT DISTRICT, PLAN 946, LYING TO THE EAST OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH WESTERLY BOUNDARIES OF SAID LOT

\*\*EXCEPT THAT PART OF LOT 21, SECTION 11, ESQUIMALT DISTRICT, PLAN 946, LYING TO THE EAST OF A STRAIGHT BOUNDARY JOINING THE POINTS OF BISECTION OF THE NORTH EASTERLY AND SOUTH WESTERLY BOUNDARIES OF SAID LOT

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:

## Within the Section 219 Covenant:

- Lot consolidation of all subject properties prior to development as the lots do not meet the minimum requirements of the CD-152 zone unless the parcels are consolidated.
- Undergrounding of overhead utilities along Carlisle Avenue adjacent to the subject property.
- 7 visitor parking spaces be provided.
- One membership for a shared vehicle service per unit for one year.
- One parking space for a car share vehicle on the subject property.
- 50% of indoor Class 1 bicycle parking spaces are to have accessible 120v electric outlets available for charging.
- Provision of up to 110 annual bus passes (\$1,000 each) for residents through the BC Transit EcoPASS program at a cost of up to \$110,000 with any unclaimed passes being refunded to the developer.
- Provision of a statutory right of way for public access over the 'corner access

public space’.

- Provision of a statutory right of way for public access over the central public walkway or ‘art walk’.
- Painted mid-block crosswalk across Carlisle Avenue aligned with the Public Art Walk at Esquimalt Town Square. Crosswalk to include accessibility ramps on the south and north sides of Carlisle Avenue, any necessary lighting improvements needed to meet RP-8-21 standards, any necessary work on municipal property to tie the accessibility ramp on the north side to the existing sidewalk, and a full width colour methyl methacrylate (MMA) painted art design in the crosswalk.
- Upgrading 80m of existing sewer main on Lyall Street between Joffre Street and Lampson Street to a 300mm diameter sewer main or provide a cash contribution to reduce an equivalent amount of inflow and infiltration from the sewer network to match the increase in peak sanitary flow from the development.

Within the Housing Agreement:

- The building be constructed to include a minimum of 16 3-bedroom dwelling units.
- No restriction on rentals to ensure that all the strata units in this building can be used as long-term residential rentals.
- No restriction on the number of units which may be made available to the Department of National Defense or Seaspan.
- An additional 10 units may be made available to another agency.

4. Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant and a Housing Agreement Covenant addressing the issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3065 to Council for consideration of adoption.

*Attachments:* [Appendix A Bylaw No. 3065 - The Marin First and Second Reading](#)  
[Appendix B: Aerial Map](#)  
[Appendix C: Letter to Mayor & Council from Applicant](#)  
[Appendix D: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan](#)  
[Appendix E: Green Building Checklist](#)  
[Appendix F: Parking Study and Addendum](#)  
[Appendix G: Traffic Impact Assessment](#)  
[Appendix H: Applicant's Public Consultation Summary](#)  
[Appendix I: 1221 Carlisle Ave - Staff Presentation](#)  
[Appendix J: 1221 Carlisle Ave - Applicant Presentation](#)

## 8. COMMUNICATIONS

### *For Council's Consideration*



- 1) [22-169](#) Email from Paul Gregory - Nature Canada, dated April 7, 2022 Re World Ocean Day June 8th - Motion for Ocean Protection  
*Attachments:* [Email from Paul Gregory - Nature Canada Re World Ocean Day June 8th - Motion for Ocean Protection](#)
- 2) [22-173](#) Letter from Geoff Pearce received April 11, 2022 Re. Proposed Overhead Cable Car Gondola Transit Connector  
*Attachments:* [Letter from Geoff Pearce Re. Proposed Overhead Cable Car Gondola Transit Connector](#)
- 3) [22-183](#) Email from Candy Keillor dated April 10, 2022 Re: Operation Smile Invitation to Proclaim June 19, 2022 the Longest Day of SMILES  
*Attachments:* [Email from Candy Keillor Re: Operation Smile Invitation to Proclaim June 19, 2022 the Longest Day of SMILES](#)
- 4) [22-184](#) Email from Crystelle Jensen dated April 11, 2022 Re Deafblind Awareness Month  
*Attachments:* [Email from Crystelle Jensen Re Deafblind Awareness Month](#)
- 5) [22-191](#) Email from Kristin Kain dated April 19, 2022 Re: Commuter Challenge Invitation  
*Attachments:* [Email from Kristin Kain Re: Commuter Challenge Invitation](#)

### **For Council's Information**

- 6) [22-187](#) Email from Jillian Rouselle - Liquor and Cannabis Regulation Branch dated April 11, 2022 Re Policy Directive 22-07 Managed Alcohol Programs  
*Attachments:* [Email from Jillian Rouselle - Liquor and Cannabis Regulation Branch Re Policy Directive 22-07 Managed Alcohol Programs](#)
- 7) [22-188](#) Email from Jim Knock dated April 17, 2022 Re: BC Energy Step Codes and Low Carbon Energy System Bylaws  
*Attachments:* [Email from Jim Knock dated Re: BC Energy Step Codes and Low Carbon Energy System Bylaws](#)

## **9. NOTICE OF MOTION**

- 1) [22-175](#) National Day of Truth and Reconciliation  
Mayor Desjardins - For Consideration  
*Attachments:* [Notice of Motion - National Truth and Reconciliation Day](#)

## **10. RISE AND REPORT**

## **11. 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**