



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Agenda - Final-revised

Council

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

Monday, September 26, 2022

7:00 PM

Esquimalt Council Chambers

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 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**
3. **APPROVAL OF THE AGENDA**
4. **BYLAWS FOR FIRST AND SECOND READING THAT ARE SUBJECT TO A PUBLIC HEARING**
 - 1) [22-471](#) Rezoning Application – 1209 Lyall Street, Staff Report No.: DEV-22-086

Recommendation:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3082, attached to Staff Report No. DEV-22-086 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by adding a new use, "Beverage Manufacturer - Micro" and changing the RS-6 zone to allow the new use exclusively at 1209 Lyall Street [PID 004-774-701; Lot 5, Section 11, Esquimalt District, Plan 946] as shown cross hatched on Schedule 'A' of Bylaw No. 3082, 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. 3082, 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-22-086, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 1209 Lyall Street, [PID 004-774-701; Lot 5, Section 11, Esquimalt District, Plan 946] 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:

- No customers onsite for retail sales of beverage products (This would allow the LCRB license but would restrict sales to offsite locations)
- No group events associated with the business
- Though no unpleasant odors are expected, in the chance that complaints regarding odor are made by two or more neighbours (from different addresses), the owners would work with an air quality specialist and install an appropriate commercial air scrubber system
- Delivery and shipping allowed only between 8:00 a.m. and 6:00 p.m., Monday to Friday
- There would be no distilling of alcohol on the premises

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3082 to Council for consideration of adoption.

Attachments: [Appendix A - Bylaw No. 3082 - 1209 Lyall Street - micro beverage manufacturer](#)
[Appendix B - RS-6 zone](#)
[Appendix C - Maps - subject property, ortho, OCP & Zone](#)
[Appendix D - BCLS Survey, Building Plans, Landscape Plan](#)
[Appendix E - Applicants information about their brewery received Mar 02, 2022](#)
[Appendix F - Green Building Checklist and Arborists Report](#)
[Appendix G - Neighbourhood consultation](#)

- 2) [22-477](#) Rezoning Application - 734 Sea Terrace - 19 residential units, Staff Report No.: DEV-22-087

Recommendation:

That Council:

1. give first and second reading to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3079, attached to Staff Report No. DEV-22-087 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by creating Comprehensive Development zone no. 159, authorizing a multiple family building containing 19 dwelling units at 734 Sea Terrace [PID 005-388-902; Lot 4, Section 11, Esquimalt District, Plan 9757] as shown cross hatched on Schedule 'A' of Bylaw No. 3079;
2. authorize the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3079, mail notices, and advertise for same in the local newspaper; and that
3. as the applicant wishes to assure Council that uses and development will be

restricted and amenities provided as identified in Staff Report No. DEV-22-087, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 734 Sea Terrace [PID 005-388-902; Lot 4, Section 11, Esquimalt District, Plan 9757] 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:

- No more than 19 dwelling units
- No less than two (2) - 3-bedroom units
- All units may be rented by their owners, the strata may not restrict rental, and no short-term rentals are permitted
- 15 parking stalls within a covered parking garage for exclusive use of residents and their guests, with 2 of those spaces dedicated to visitors and 13 resident spaces
- 1 car share vehicle, with its own onsite parking space provided with an electric vehicle charger, and car share memberships for every residential unit of the building
- 29 secure bike stalls, including 2 secure cargo bike stalls (with electric charging provided at all the indoor stalls), and an exterior rack(s) with short term stalls for 6 bikes
- Build to BC Energy Step Code Level 3
- Stormwater - 31 mm of each rainstorm from roof and patios being retained on-site through a rain garden planter system
- Burying of the Hydro and utility lines along the building's frontages.

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3079 to Council for consideration of adoption.

Attachments: [Appendix A - Bylaw No. 3079 Zoning Bylaw Amendment-CD159 - 734 Sea Terrace](#)
[Appendix B - Maps – Subject Property, Air Photo, OCP designations, DPAs, and Zoning](#)
[Appendix C - Current RD-3, and CD-108 \(835 Dunsmuir Road\) zone regulations](#)
[Appendix D - BCLS site plan, architects plans, landscape plans](#)
[Appendix E - Applicants letter recd with revised dwgs Jan 05, 2022](#)
[Appendix F - Parking study and Modo car share co-op support](#)
[Appendix G - Green Building Checklist, Arborist's reports](#)
[Appendix H - Neighbourhood Consultation](#)
[Appendix I - Public comments](#)
[Appendix J - Applicants Presentation - 734 Sea Terrace](#)
[Appendix K - Staff Presentation - 734 Sea Terrace](#)

5. PUBLIC INPUT ON ITEMS 6, 7 AND 8**6. STAFF REPORTS*****Administration***

- 1) [22-493](#) Council Remuneration Bylaw, Staff Report No. ADM-22-029

Recommendation:

That Council rescind third reading of Council Remuneration Bylaw, 2022, No. 3084 and give third reading, as amended.

Attachments: [3084 - Council Remuneration Bylaw 2022 amended as per Sept 20](#)

Fire

- 2) [22-473](#) Fire Department Strategic Plan, Staff Report No. FIRE-22-004

Recommendation:

That Council endorse the Fire Department Strategic Plan 2022 - 2026 as attached to staff report FIRE-22-004.

Attachments: [July 11 staff report](#)
[Updated Final EFRS Strategic Planning Document - facilitator](#)
[Esquimalt-fire-rescue-strategic-plan](#)
[Operational Strategies - FD 2022 - to be updated with period reports](#)

Parks and Recreation

- 3) [22-494](#) Capital Request – Mobile Pool Lift Replacement, Staff Report No. P&R-22-012

Recommendation:

That Council approve an expenditure in the amount of \$16,672 from Capital Project Reserve Fund to purchase a replacement mobile lift for pool access.

Development Services

- 4) [22-433](#) Development Variance Permit Application - 435 Lampson Street - DVP00130

Recommendation:

That Council approve Development Variance Permit No. DVP00130, attached as Appendix A to staff report DEV-22-083, authorizing a reduction to the ratio of parking spaces per dwelling unit, including the following relaxations to Parking Bylaw, 1992, No. 2011, and staff be directed to issue the permit and register the notice on the title of the property located at Lot 1, Section 11, Esquimalt District, Plan 9444 [435 Lampson Street].

Parking Bylaw, 1992, No. 2011, Part 5, Section 13, Number of off-street parking spaces, Table 1 - Residential: A reduction to the ratio of parking spaces permitted in

medium and high density apartment zones from 1.3 required parking space per dwelling unit to 1 parking space per dwelling unit.

Attachments: [Appendix A: Development Variance Permit](#)
[Appendix B: 435 Lampson Aerial](#)
[Appendix C: Notice of Variance](#)

- 5) [22-476](#) Low Carbon Energy Systems Bylaw for Esquimalt, Staff Report No. DEV-22-088

Recommendation:

That Council:

1. Direct to staff continue to monitor the Provincial process in adding carbon pollution standards to the next iteration of the BC Building Code, scheduled for December 2022;
2. Direct staff to prepare for a scenario where the Province has not added carbon pollution standards to the BC Building Code in 2022, and staff develop an opt-in option where builders could choose a lower step of the BC Energy Step Code where a low carbon energy system is installed in a new building, or alternatively choose to build to one of the highest Step Code steps, as outlined in Table 3 and 4 of Appendix A to this report; and
3. Direct staff to develop engagement and educational materials to build public awareness and understanding of the benefits of building decarbonization through electrification.

Attachments: [Appendix A - Options for Implementation](#)
[Appendix B - 2022 Technical Review - Step Code and Carbon Pollution Standards](#)
[Appendix C - 2022 Final Engagement Report - Step Code and Carbon Pollution Standards](#)

7. REPORTS FROM COMMITTEES

- 1) [22-478](#) Adopted Minutes of the APC Design Review Committee, December 8, 2021

Attachments: [2021 12 08 APC Design Review Committee Minutes - Final](#)

- 2) [22-479](#) Adopted Minutes of the Advisory Planning Commission, December 21, 2021

Attachments: [2021 12 21 Advisory Planning Commission Minutes - Final](#)

- 3) [22-480](#) Adopted Minutes of the APC Design Review Committee, January 12, 2022

Attachments: [2022 01 12 APC Design Review Committee Minutes - Final](#)

- 4) [22-481](#) Adopted Minutes of the Advisory Planning Commission, February 15, 2022

Attachments: [2022 02 15 Advisory Planning Commission Minutes - Final](#)

- 5) [22-482](#) Adopted Minutes of the APC Design Review Committee, March 9, 2022

Attachments: [2022 03 09 APC Design Review Committee Minutes - Final](#)

- 6) [22-483](#) Adopted Minutes of the Advisory Planning Commission, March 22, 2022

Attachments: [2022 03 22 Advisory Planning Commission Minutes - Final](#)

- 7) [22-484](#) Adopted Minutes of the APC Design Review Committee, April 13, 2022

Attachments: [2022 04 13 APC Design Review Committee Minutes - Final](#)

- 8) [22-485](#) Adopted Minutes of the Advisory Planning Commission, April 19, 2022

Attachments: [2022 04 19 Advisory Planning Commission Minutes - Final](#)

- 9) [22-486](#) Adopted Minutes of the APC Design Review Committee, May 11, 2022

Attachments: [2022 05 11 APC Design Review Committee Minutes - Final](#)

- 10) [22-487](#) Adopted Minutes of the APC Design Review Committee, June 8, 2022

Attachments: [2022 06 08 APC Design Review Committee Minutes - Final](#)

- 11) [22-488](#) Adopted Minutes of the Local Grant Committee, August 29, 2022

Attachments: [2022 08 29 - Local Grant Committee Minutes - Final](#)

- 12) [22-489](#) Draft Minutes of the Local Grant Committee, September 9, 2022

Attachments: [2022 09 09 - Local Grant Committee Minutes - Draft](#)

- 13) [22-492](#) Adopted Minutes of the Parks and Recreation Advisory Committee, April 28, 2022

Attachments: [2022 04 28 Parks and Recreation Advisory Committee Minutes - Final](#)

8. COMMUNICATIONS

For Council's Consideration

- 1) [22-495](#) Email from the Greater Victoria Peace School dated September 8, 2022 Re: Request for discounted rate for use of the Gorge Park Pavilion

Attachments: [Email from the Greater Victoria Peace School Re: Request for discounted rate for use of the Gorge Park Pavilion](#)

- 9. RISE AND REPORT
- 10. PUBLIC COMMENT PERIOD
- 11. ADJOURNMENT