



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Agenda - Final

### Council

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

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Monday, August 31, 2020

7:00 PM

Esquimalt Council Chambers

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#### *Ministerial Order No. M192 – June 17, 2020*

*Division 2 – Open meetings – municipalities 3. (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the Public Health Act.*

#### *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](mailto: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.*

#### *Council Attendance*

*Mayor Desjardins (Council Chambers)  
Councillor Armour (Council Chambers)  
Councillor Brame (Council Chambers)  
Councillor Helliwell (Conference Call)  
Councillor Hundleby (Conference Call)  
Councillor Morrison (Conference Call)  
Councillor Vermeulen (Council Chambers)*

### **1. CALL TO ORDER**

### **2. LATE ITEMS**

LATE ITEM MATERIALS SUBMITTED FOR THE AGENDA WILL BE AVAILABLE BY 4:30 PM ON THE DAY OF THE MEETING AND CAN BE VIEWED AT:  
[www.esquimalt.ca](http://www.esquimalt.ca) (Click on "Government & Bylaws" then "Council Meetings" then "agenda, minutes, and reports")

### **3. APPROVAL OF THE AGENDA**

### **4. MINUTES**

- 1) [20-402](#) Minutes of the Special Council meeting held August 17, 2020

Attachments: [Minutes of the Special Council Minutes meeting, August 17, 2020](#)

- 2) [20-403](#) Minutes of the Regular Council meeting held August 17, 2020

*Attachments:* [Minutes of the Regular Council meeting, August 17, 2020](#)

## 5. PRESENTATIONS

- 1) [20-372](#) Lisa Trotter, Senior Manager - Government Relations, BC Transit; Seth Wright, Transit Planner, BC Transit; Levi Megenbir, Senior Planner Work Lead, BC Transit, Re: Review of the Esquimalt-View Royal Local Area Transit Plan and General Transit Update

*Attachments:* [Presentation Application - BC Transit](#)  
[PowerPoint Presentation](#)

## 6. 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.**

## 7. STAFF REPORTS

### ***Community Safety Services***

- 1) [20-401](#) Deer Study Proposal, Staff Report No. CSS-20-014

#### ***Recommendation:***

That Council review the Deer Study Proposal and direct staff to enter into a contract with the proponent to engage in a deer immunocontraception study in the Township for the upcoming three years.

*Attachments:* [Attachment No. 1 - Draft Esquimalt Deer Proposal](#)

### ***Parks and Recreation***

- 2) [20-406](#) Contract Award: Construction Services for Esquimalt Gorge Park, McLoughlin Point Amenity Funds - Waterfront Parks Project, Staff Report No. P&R-20-004

#### ***Recommendation:***

That Council:

- a. award Knappett Construction Inc the contract for construction of the multi-purpose building project at Esquimalt Gorge Park and direct staff to finalize the construction contract details; and,
- b. direct staff to request approval from the Capital Regional District for the transfer of more than 20% of the funds from the McLoughlin Point Amenity - Recreation Improvements Reserve Fund to the McLoughlin Point Amenity - Waterfront Parks Reserve Fund that are required for the project; and,
- c. should the Capital Regional District not permit the transfer of more than 20% of the McLoughlin Point Amenity Funds, direct staff to transfer 20% of the funds from the Recreation Improvements Reserve Fund to the Waterfront Parks Reserve Fund (\$1,000,000) and enter into long-term borrowing for the remaining funds required for the project (\$1,909,437)

- d. direct staff to actively apply for and pursue any applicable grant funding opportunities in order to reduce the amount of funds necessary from long-term borrowing.

### **Development Services**

- 3) [20-396](#) Housing Agreement Bylaw - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street, Staff Report No. DEV-20-059

#### **Recommendation:**

That Council adopts Housing Agreement Bylaw, 2019, No. 2981, attached as Appendix A of Staff Report DEV-20-059, for 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street

*Attachments:* [Appendix A - Housing Agreement Bylaw, 2019, No. 2981](#)

- 4) [20-395](#) Official Community Plan Amendment and Rezoning Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street, Staff Report No. DEV-20-058

#### **Recommendation:**

1. That Council adopts Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964, attached to Staff Report DEV-20-058 as Appendix A, which would:

- amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'B', being the Proposed Land Use Designations Map by changing the 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. 2964, from 'High Density Residential' to 'Commercial/Commercial Mixed-Use'; and
- amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the 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. 2964, from Development Permit Area No.6 - Multi-Family Residential to Development Permit Area No.4 - Commercial; and

2. That Council adopts Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, attached to Staff Report DEV-20-058 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].

*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 - Section 219 Covenant CA8354956, Priority Agreement CA8354957 \[as registered\]](#)

- 5) [20-408](#) Letter of Support for Zero-Emission Vehicle Awareness Initiative Grant Program, Staff Report No. DEV-20-060

***Recommendation:***

That Council authorize the Mayor to sign the attached letter in support of the City of Victoria's and District of Saanich's grant application for the Zero-Emission Vehicle Awareness Initiative administered by Natural Resources Canada.

*Attachments:* [Appendix A: Letter from City](#)  
[Appendix B: Draft letter of support](#)

**8. REPORTS FROM COMMITTEES**

- 1) [20-389](#) Draft Minutes from the Advisory Planning Commission, June 16, 2020

*Attachments:* [2020 06 16 Advisory Planning Commission Minutes](#)

- 2) [20-404](#) Draft Minutes from the Environmental Advisory Committee, July 23, 2020

*Attachments:* [2020 07 23 Environmental Advisory Committee Minutes](#)

**9. RISE AND REPORT**

**10. 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.**

**11. ADJOURNMENT**



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Draft

### Special Meeting of Council

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

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Monday, August 17, 2020

6:00 PM

Esquimalt Council Chambers

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**Present**     7 - Mayor Barbara Desjardins  
                    Councillor Ken Armour  
                    Councillor Meagan Brame  
                    Councillor Jacob Helliwell  
                    Councillor Lynda Hundleby  
                    Councillor Tim Morrison  
                    Councillor Jane Vermeulen

Councillor Armour, Councillor Morrison and Councillor Vermeulen attended the meeting by conference call.

**Staff:** Laurie Hurst, Chief Administrative Officer  
            Rachel Dumas, Manager of Corporate Services / Recording Secretary

**1. CALL TO ORDER**

Mayor Desjardins called the Special Council meeting to order at 6:00 PM.

**2. LATE ITEMS**

There were no late items.

**3. APPROVAL OF THE AGENDA**

Moved by Councillor Brame, seconded by Councillor Morrison: That the agenda be approved as circulated. Carried Unanimously.

**4. MOTION TO GO IN CAMERA**

Moved by Councillor Hundleby, seconded by Councillor Helliwell: That Council convene In Camera pursuant to Section 90 of the Community Charter to discuss:

- Labour relations or other employee relations;
- The consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

In accordance with Section 90(1)(c) and (2)(b) of the Community Charter, and that the general public be excluded. Carried Unanimously.

**5. ADJOURNMENT**

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Special Council meeting be adjourned at 6:00 PM. Carried Unanimously.

\_\_\_\_\_  
MAYOR BARBARA DESJARDINS  
THIS    DAY OF            , 2020

\_\_\_\_\_  
RACHEL DUMAS, CORPORATE OFFICER  
CERTIFIED CORRECT



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Draft

### Council

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

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Monday, August 17, 2020

7:00 PM

Esquimalt Council Chambers

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**Present:** 7 - Mayor Barbara Desjardins  
Councillor Ken Armour  
Councillor Meagan Brame  
Councillor Jacob Helliwell  
Councillor Lynda Hundleby  
Councillor Tim Morrison  
Councillor Jane Vermeulen

Councillor Armour, Councillor Morrison and Councillor Vermeulen attended the meeting by conference call.

**Staff:** Laurie Hurst, Chief Administrative Officer  
Bill Brown, Director of Development Services  
Rachel Dumas, Manager of Corporate Services  
Deborah Liske, Recording Secretary

#### 1. CALL TO ORDER

Mayor Desjardins called the Regular Council meeting to order at 7:00 PM.

Mayor Desjardins acknowledged with respect that we are within the Traditional Territories of the Esquimalt and Songhees First Nations.

#### 2. LATE ITEMS

**(1) PERTAINING** to Item No. 6 (4): **STAFF REPORTS** - Rezoning Application - 481 South Joffre Street, Staff Report No. DEV-20-054:

\* Email from Kelly Teeple and Ken Whitehead, Re: In support of application, dated August 14, 2020

**(2) PERTAINING** to Item No. 6 (3): **STAFF REPORTS** - Rezoning Application - 876 Dunsmuir Road, Staff Report No. DEV-20-055:

\* Email from Anne Stefanyk, Re: Concerns and comments of application, dated August 17, 2020

#### 3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby: That the agenda be approved as amended with the inclusion of the late items. Carried Unanimously.

**4. MINUTES**

- 1) [20-381](#) Minutes of the Special Council meeting held July 6, 2020
- 2) [20-384](#) Minutes of the Regular Council meeting held July 6, 2020
- 3) [20-382](#) Minutes of the Special Council meeting held July 13, 2020
- 4) [20-393](#) Minutes of the Regular Council meeting held July 13, 2020
- 5) [20-383](#) Minutes of the Special Council meeting held July 22, 2020
- 6) [20-392](#) Minutes of the Special Council meeting held August 4, 2020

Moved by Councillor Hundleby, seconded by Councillor Helliwell: That the Minutes of the Special Council meeting held July 6, 2020, the Minutes of the Regular Council meeting held July 6, 2020, the Minutes of the Special Council meeting held July 13, 2020, the Minutes of the Regular Council meeting held July 13, 2020, the Minutes of the Special Council meeting held July 22, 2020 and the Minutes of the Special Council meeting held August 4, 2020 be adopted as circulated. Carried Unanimously.

**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.**

There was no electronic public input.

**6. STAFF REPORTS*****Administration***

- 1) [20-270](#) 2019 Draft Annual Report, Staff Report No. ADM-20-014

CAO noted the initial draft available to the public did not include the latest set of core values developed by Council during the Strategic planning session. The draft report was corrected to include this omission.

Council comments (staff comments in italics):

- \* Add a section to next year's annual report pertaining to the Advisory Committees of Council, their mandates, membership and key recommendations/work completed.
- \* Provide a copy of report to Advisory Committees. *Will be posted to website with link emailed to Committee members.*

Moved by Councillor Brame, seconded by Councillor Helliwell: That Council adopt the Township of Esquimalt 2019 Annual Report as attached to Staff Report ADM-20-014. Carried Unanimously.



**Development Services**

- 2) [20-394](#) Zoning Bylaw Text Amendment to the Comprehensive Development District No. 114 (1198 Munro St) CD Zone 114, Staff Report No. DEV-20-056

Director of Development Services noted the amendment is to rectify a text oversight.

Moved by Councillor Helliwell, seconded by Councillor Brame: That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3002" (Appendix "A"), as attached to Staff Report DEV-20-056, which would delete Section 67.100 (4) of the Zoning Bylaw, 1992, No. 2050, be given third reading and adoption. Carried Unanimously.

- 3) [20-387](#) Rezoning Application - 876 Dunsmuir Road, Staff Report No. DEV-20-055

Director of Development Services provided an overview of the application noting the reduction in density to four units.

Moved by Councillor Brame, seconded by Councillor Helliwell: That Council resolves that Bylaw No. 3000, attached as Appendix A to Staff Report No. DEV-20-055, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 876 Dunsmuir Road [PID 001-586-971, Lot 77, Section 11, Esquimalt District, Plan 265], shown cross-hatched on Schedule "A" of Bylaw No. 3000, from Two Family Residential [RD-1] to Comprehensive Development District No. 142 [CD. No. 142], be given third reading. Carried Unanimously.

- 4) [20-378](#) Rezoning Application - 481 South Joffre Street, Staff Report No. DEV-20-054

Director of Development Services noted the Detached Accessory Dwelling Unit policy will be presented in late fall of 2020 for Council's consideration.

Moved by Councillor Hundleby, seconded by Councillor Brame:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2999, attached as Appendix A to Staff Report DEV-20-054, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 481 South Joffre Street [PID 003-150-909, Lot 4, Section 11, Esquimalt District, Plan 4729], shown cross-hatched on Schedule 'A' of Bylaw No. 2999, from Two Family/ Single Family Residential [RD-3] to Comprehensive Development District No. 141 [CD. No. 141], be given third reading; and
2. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-20-054, the applicant has voluntarily agreed to register a Section 219 Covenant on the title of 481 South Joffre Street [PID 003-150-909, Lot 4, Section 11, Esquimalt District, Plan 4729] 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:

- this will not be used for tourist accommodation;
- the property will not be subdivided, and
- the DADU, ("garden suite") will be provided with amenities on the site in perpetuity, including: a well lit path to the entrance; 20 metres of landscaped open space at grade (patio space); a screened garbage and recycling area; and a screened bicycle storage area.

To this end, 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. 2999 to Council for consideration of adoption. Carried Unanimously.

- 5) [20-388](#) Official Community Plan Amendment Consultation List - 1237 Esquimalt Road, 510 Park Place, and 500 Carlisle Avenue, Staff Report No. DEV-20-057

Moved by Councillor Helliwell, seconded by Councillor Brame: That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan amendment concept plan, attached as Appendix "B" to Staff Report DEV-20-057, detailing the proposed development of the Public Safety Building to be located at:

Street Address: 1237 Esquimalt Road (West Lot)

PID: 006-386-407

Legal Description: Lot 273, Suburban Lot 40, Esquimalt District, Plan 2854

Street Address: 1237 Esquimalt Road (East Lot)

PID: 006-386-423

Legal Description: Lot 274, Suburban Lot 40, Esquimalt District, Plan 2854

Street Address: 510 Park Place

PID: 006-385-991

Legal Description: Lot 275, Suburban Lot 40, Esquimalt District, Plan 2854

Street Address: 500 Carlisle Avenue

PID: 029-349-320

Legal Description: Lot 1, Suburban Lot 40, Esquimalt District, Plan EPP36750

To those persons, organizations, and authorities identified in Appendix "A" of Staff Report DEV-20-057.

Note: The Township of Esquimalt has submitted a Reference Plan to the Land Titles Office that would consolidate the four lots into one lot with the following Legal Description: Lot A, Suburban Lot 40, Plan EPP103969. Carried Unanimously.

**7. REPORTS FROM COMMITTEES**

- 1) [20-386](#) Adopted Minutes from the Environmental Advisory Committee, May 28, 2020

This item was received.

- 2) [20-389](#) Draft Minutes from the Advisory Planning Commission, June 16, 2020

This item was received.

**8. COMMUNICATIONS*****For Council's Consideration***

- 1) [20-380](#) Email from Ryan Jabs, President, Community Builder, Lapis Homes, dated July 29, 2020, Re: Esquimalt Policies - Middle Housing

Moved by Councillor Armour, seconded by Councillor Hundleby: That Council direct staff to prepare a staff report that responds to the questions raised by Ryan Jabs, President, Community Builder, Lapis Homes in his letter dated July 29, 2020, Re: Esquimalt Housing - Middle Housing which included 1. Sprinkler systems in small buildings and 2. Underground systems in small buildings; and to also provide a comparison between the existing Township of Esquimalt and City of Victoria policies. Carried Unanimously.

- 2) [20-379](#) Email from Ellen Frisch, Executive Assistant, City of Fort St. John, dated July 31, 2020, Re: Letter to Premier Horgan re: BCUC's Approval of BC Hydro's Application

This item was received.

**9. RISE AND REPORT**

There was no rise and report.

**10. 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.**

There was no electronic public comment.

**11. ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 7:26 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS  
THIS DAY OF , 2020

RACHEL DUMAS, CORPORATE OFFICER  
CERTIFIED CORRECT



1229 Esquimalt Road  
Esquimalt BC V9A 3P1  
PHONE: 250-414-7100  
FAX: 250-414-7111  
www.esquimalt.ca

## **PRESENTATION**

### **APPLICATION TO MAKE A PRESENTATION TO COUNCIL**

A maximum of 2 Presentations may be scheduled for a Council meeting, each limited to **10 minutes**. (See back for excerpt of Council Procedure Bylaw)

Please submit the completed application **by Noon on Wednesday prior to the preferred Council meeting** by: (1) email to [corporate.services@esquimalt.ca](mailto:corporate.services@esquimalt.ca), (2) mail or hand deliver to Municipal Hall, address above, or (3) fax to 250-414-7111. For further information, contact the Corporate Officer at 250-414-7135 or [corporate.services@esquimalt.ca](mailto:corporate.services@esquimalt.ca).

Name(s) and Title(s) of Presenter(s): Lisa Trotter, Senior Manager - Government Relations; Seth Wright, Transit Planner,

Levi Megenbir, Senior Transit Planner Work Lead; Review of the Esquimalt-View Royal Local Area Transit Plan and General Transit Update

Name of Organization: BC Transit

Daytime Phone No. 250-880-8039

Email: seth\_wright@bctransit.com

Preferred Date of Presentation to Council: August 31, 2020 ✓

(Staff will email or telephone to confirm the meeting date once it is scheduled.)

Nature/Subject of Presentation: BC Transit has recently completed public engagement and analysis on several transit network and service change proposals for the Esquimalt and View Royal area. BC Transit would like to present the final draft of this Local Area Transit Plan to Esquimalt Council to ensure that it is consistent with Esquimalt's priorities - prior to presenting the final plan to the Victoria Regional Transit Commission for adoption later this Fall. Additionally, BC Transit would like to provide Council with an update on BC Transit's work to maintain safe and reliable transportation during the COVID-19 pandemic and highlight some exciting upcoming projects.

August 31, 2020

Date of Application

Signature of Applicant

PowerPoint presentation? ☒ YES ☐ NO

If YES, please email your PowerPoint presentation to [corporate.services@esquimalt.ca](mailto:corporate.services@esquimalt.ca) **by Noon on the Wednesday prior to the Council meeting**. Please note presentation are required to be 20 slides or less.

Handouts for Council? ☐ YES ☒ NO

If YES, please bring 10 copies to give to the Recording Secretary prior to the start of the Council meeting at 7:00 p.m.

Date Received:

FOR OFFICE USE ONLY

Date Presented to Council:

APPLICANT  
CONTACTED ☒

PRESENTATION  
RECEIVED ☐

DATE: Jul 16/20

INITIALS: AF



# Esquimalt-View Royal Local Area Transit Plan

PRESENTATION TO COUNCIL – TOWNSHIP OF ESQUIMALT  
AUGUST 31, 2020





# Outline

- Pandemic Response and Recovery
- Transit Planning Context
- Local Route Context
- LATP Public Consultation Process
- Service Proposals (short, medium and long-term)
- Next steps

## OUR VISION

# Your best transportation solution

## OUR MISSION

# Delivering transportation services you can rely on

## OUR OBJECTIVES

**Always Safe:** We will put safety first in everything that we do

**Engaged People:** We will support our people to achieve success

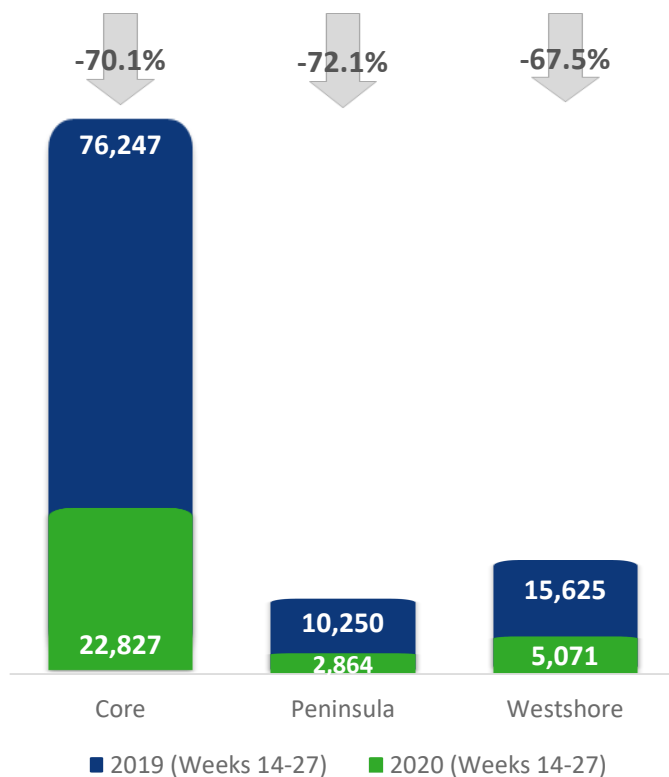
**Satisfied Customers:** We will grow ridership by making mobility accessible and enjoyable

**Thriving Communities:** We will work with Local Government and First Nations partners to improve livability

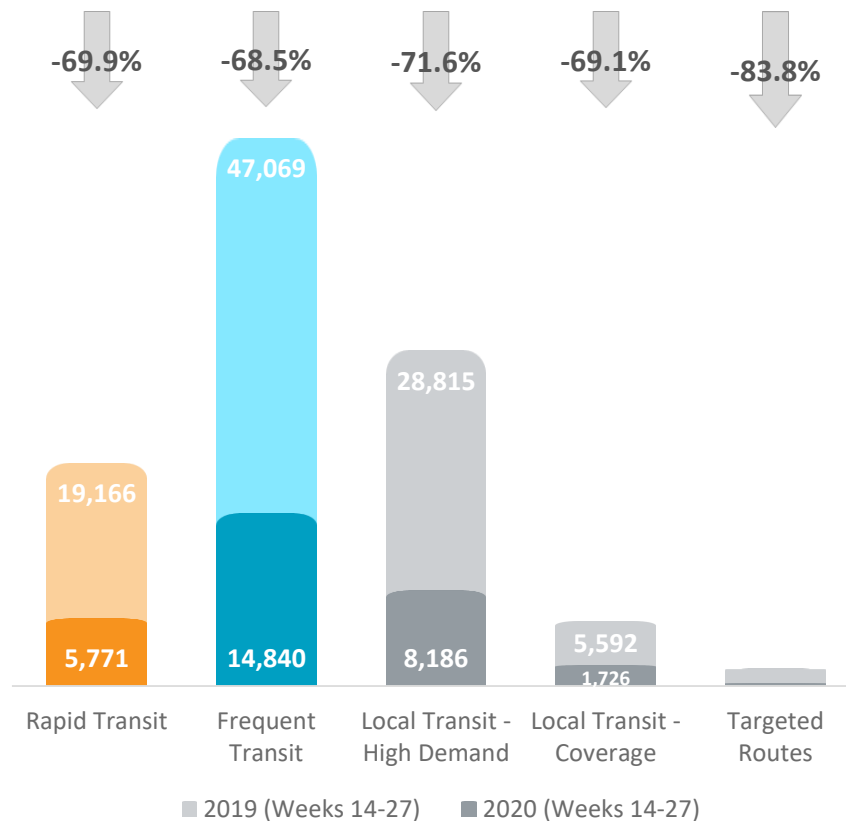
**Responsible Stewardship:** We will use our resources wisely and develop the most sustainable solutions

# COVID Response – Victoria

Average Weekday Ridership  
by Sub-Region

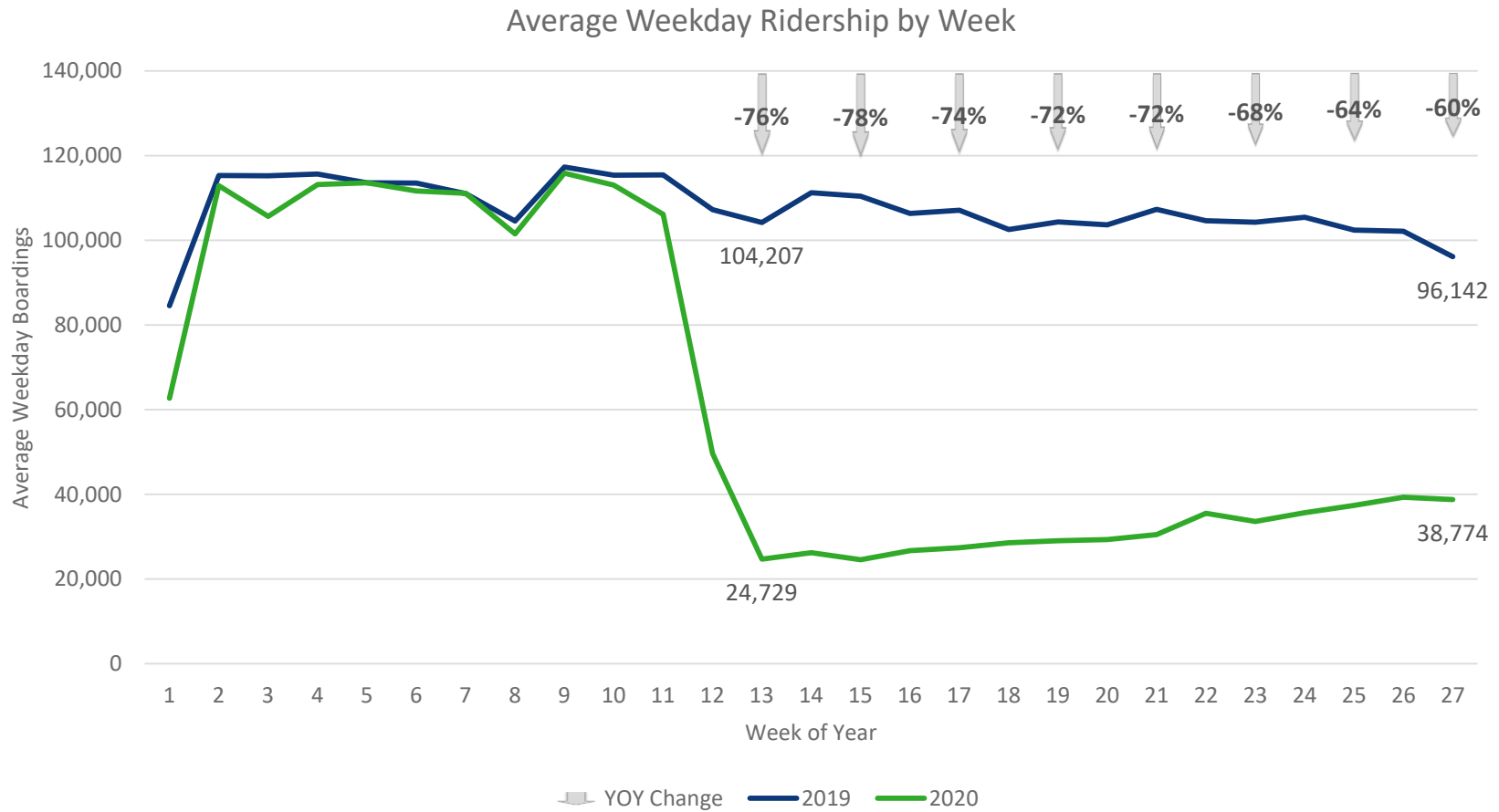


Average Daily Ridership by Route Type





# COVID Ridership – Victoria



# Current State

- Fare collection and front door loading resumed on June 1
  - Capacity management on buses
  - Continued increased cleaning and sanitization on buses
  - Protective barriers in place for operators
  - Use of face coverings mandatory on buses August 24
- Data collection and analysis
- Gradual increases to vehicle capacity
- Marketing campaign to promote safety on bus

# Rebuild Phase: Future of Public Transit

- Support economic recovery
- Address community challenges – climate change, social isolation, traffic congestion and affordability
- Create vibrant and thriving communities

## OUR VALUES

### Safety



At the forefront of everything we do

### Innovation



Always improving and adapting to change

### Customer Service



Offering the best

### Teamwork



We can achieve more together

### Trust & Respect



Actions that inspire integrity, honesty and accountability

### Community



Responsive to the communities where we live and serve

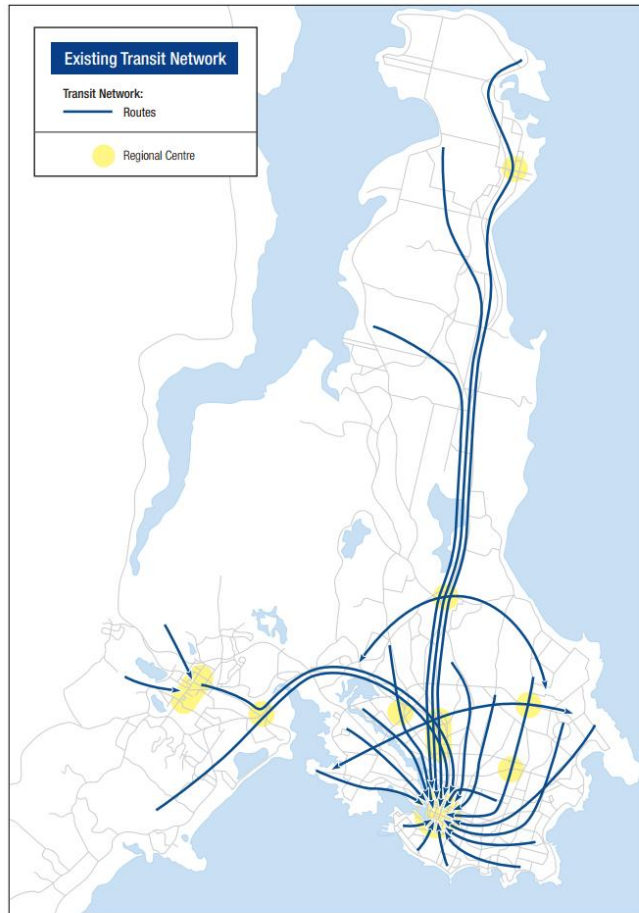
## OUR VISION

**Your best transportation solution**

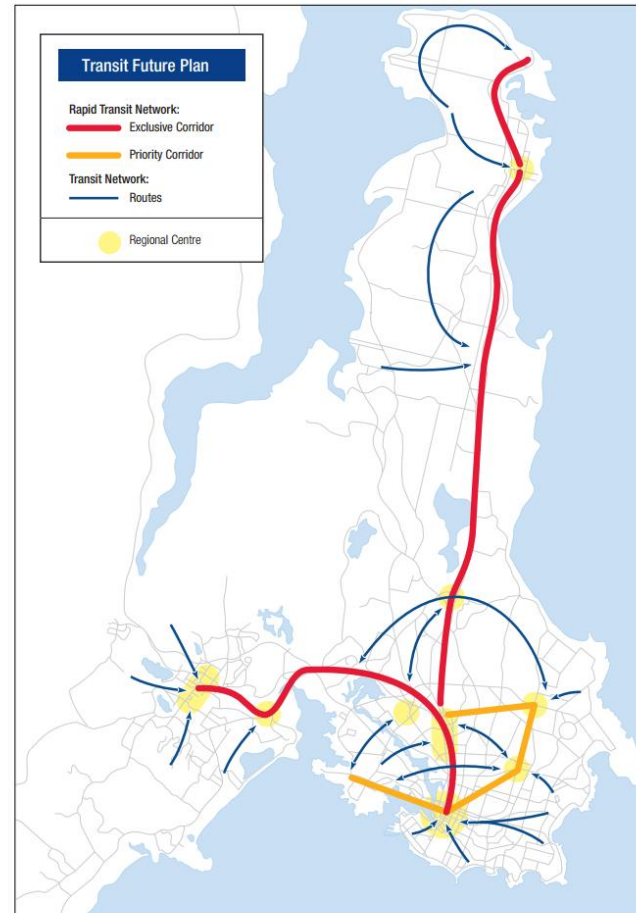
## OUR MISSION

**Delivering transportation services you can rely on**

# Transit Planning Context

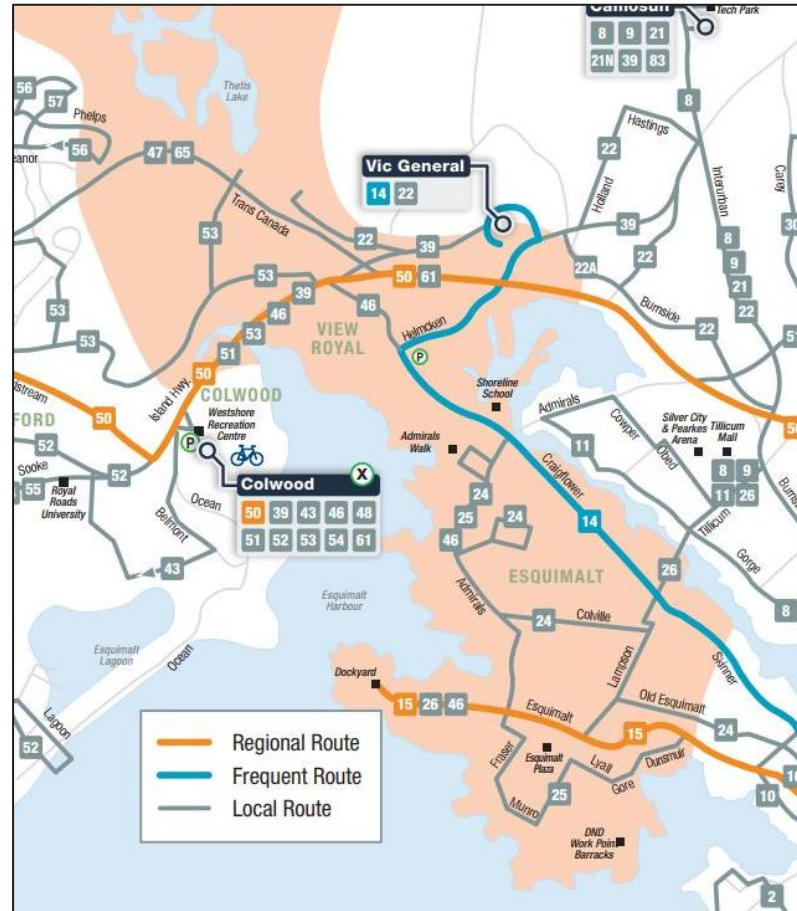
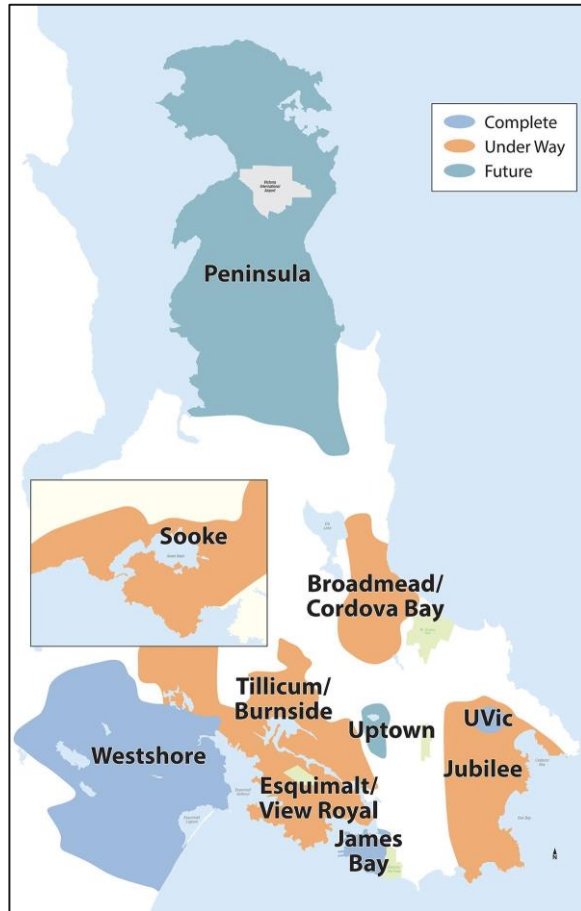


Transit Mode Share 6.3%



Transit Mode Share 12%

# Transit Planning Context

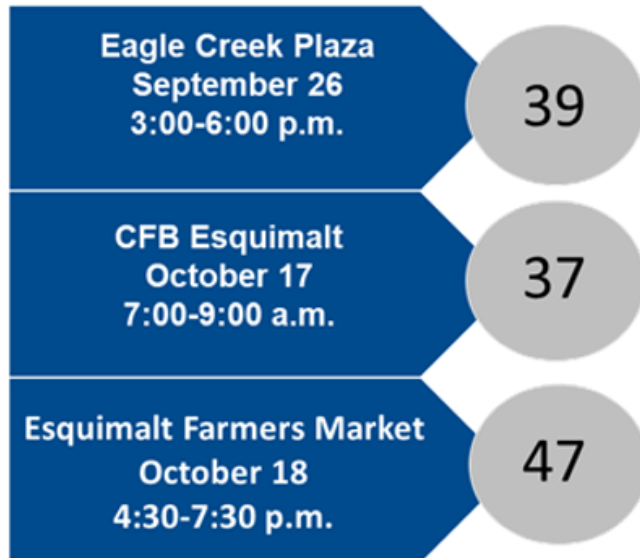


# Route Context

Route	Trips	Boardings
14 Vic General/UVic	176	9,420
15 Esquimalt/UVic	176	7,772
26 Dockyard/UVic	124	7,255
39 Westhills Exchange/Interurban/Royal Oak/UVic	79	3,451
25 Maplewood/Admirals Walk	37	1,133
24 Cedar Hill/Admirals Walk	39	932
10 James Bay/Royal Jubilee via Vic West	56	447
46 Dockyard/Westhills Exch.	16	298
53 Colwood Exch./Langford Exchange via Atkins	25	119

# Engagement: Phase 1

## *Open House Events*



## *Online Survey*



Sept. 25, 2018  
- Nov. 10, 2018

399 respondents



# Engagement: Phase 1

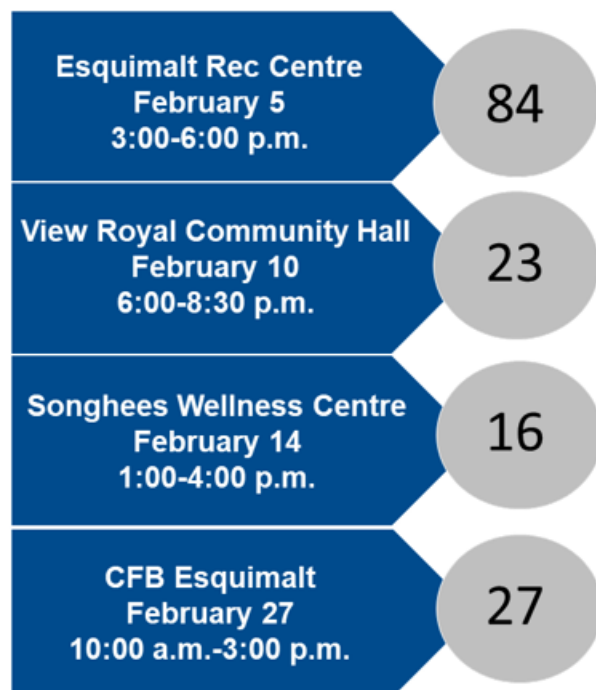
## What We've Heard:

1. Desire for direct service between key destinations (village centres, employment hubs, recreation centres, hospitals)
  - Desire for a local service to connect to Esquimalt Town Centre
  - Desire for a local connection to Tillicum Mall
2. Desire for more frequent service
  - Improve frequency on 24 Cedar Hill / Admirals Walk and 25 Maplewood / Admirals Walk
  - Address pass ups on 14 UVic / Vic Gen and 15 Esquimalt / UVic
  - Provide midday and weekend service on 46 Westhills / Dockyard along the Old Island Highway
3. Support for further crosstown route development
  - Desire for more choices to travel to destinations without going downtown
  - Preference to transfer to more direct service rather than travel on circuitous routes



# Engagement: Phase 2

## *Open House Events*



## *Online Survey*

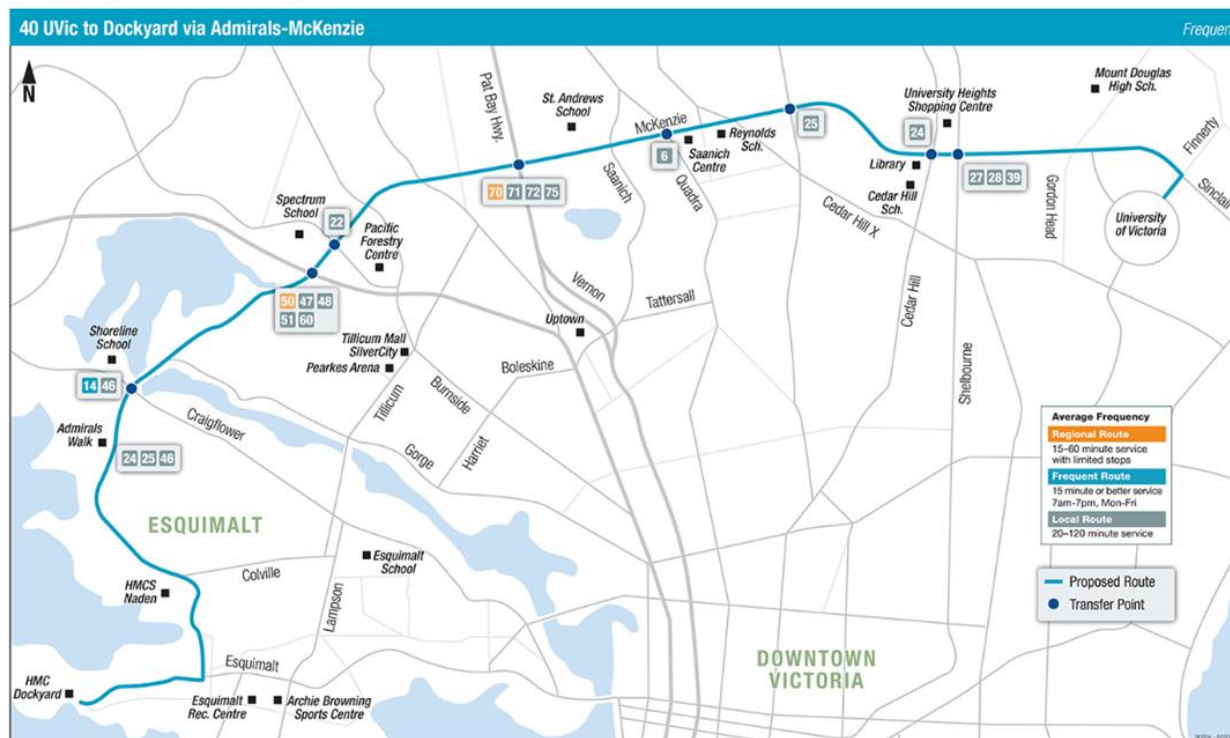


February 1, 2020  
- February 29, 2020

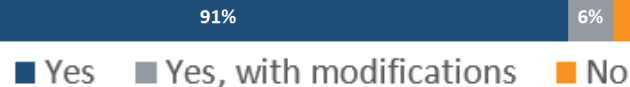
1,589 respondents

# Service Proposals: Short Term

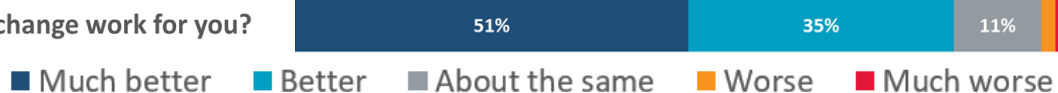
## Introduce new crosstown 40 UVic/Dockyard



Do you support the proposed change?

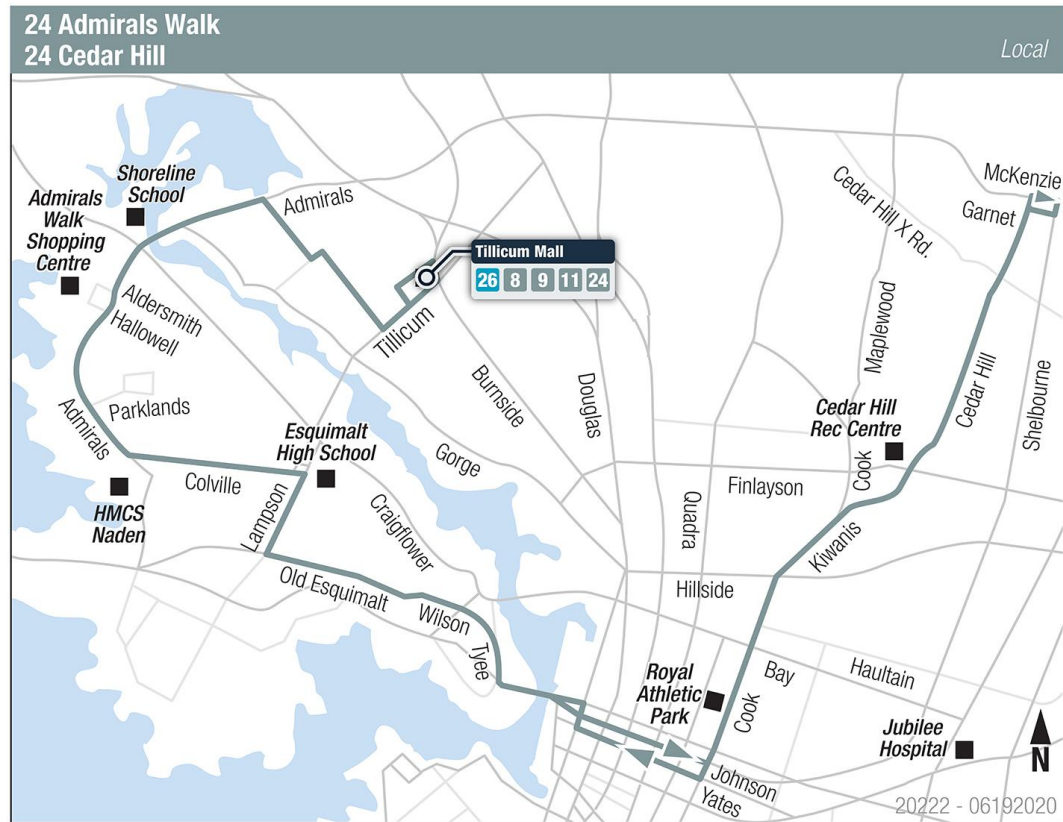


How would this proposed change work for you?



# Service Proposals: Short Term

## Extend 24 from Admirals Walk to Tillicum Mall



Do you support the proposed change?

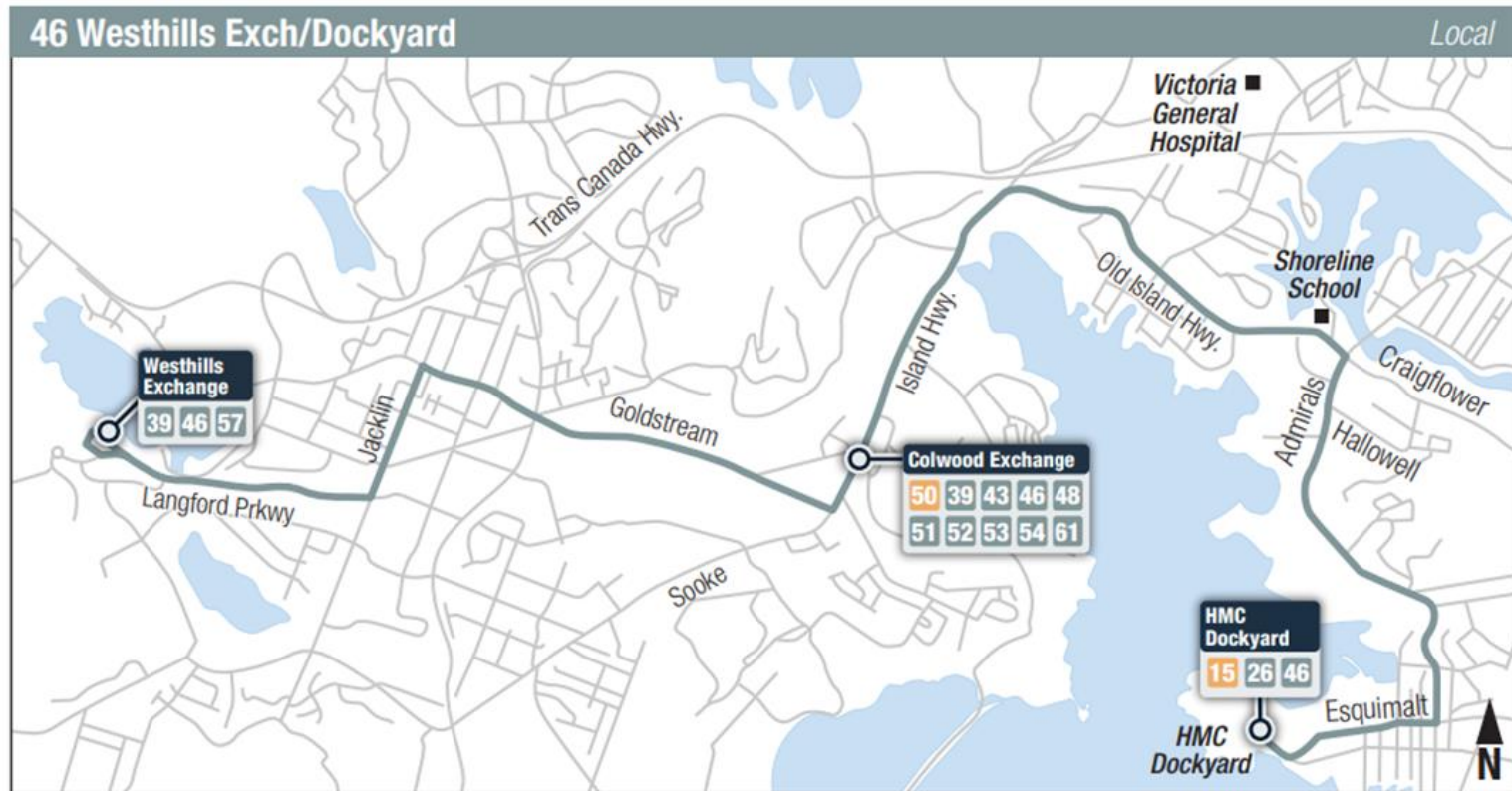


How would this proposed change work for you?



# Service Proposals: Medium Term

Introduce mid-day & weekend service on 46 Westhills/Dockyard



Do you support the proposed change?

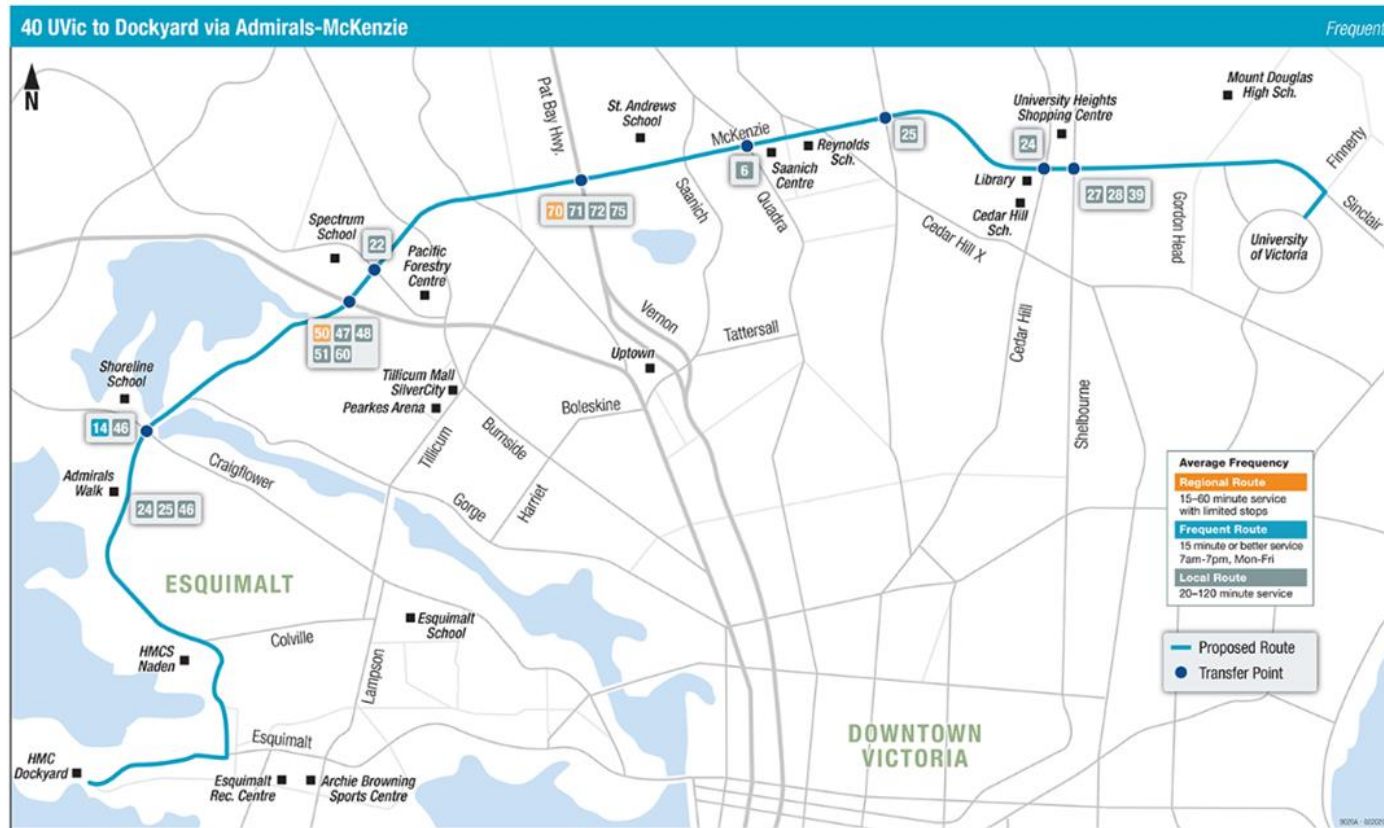


How would this proposed change work for you?



# Service Proposals: Medium Term

## Increase service to Frequent Transit Network (FTN) status



Do you support the proposed change?

91%

6%

How would this proposed change work for you?

51%

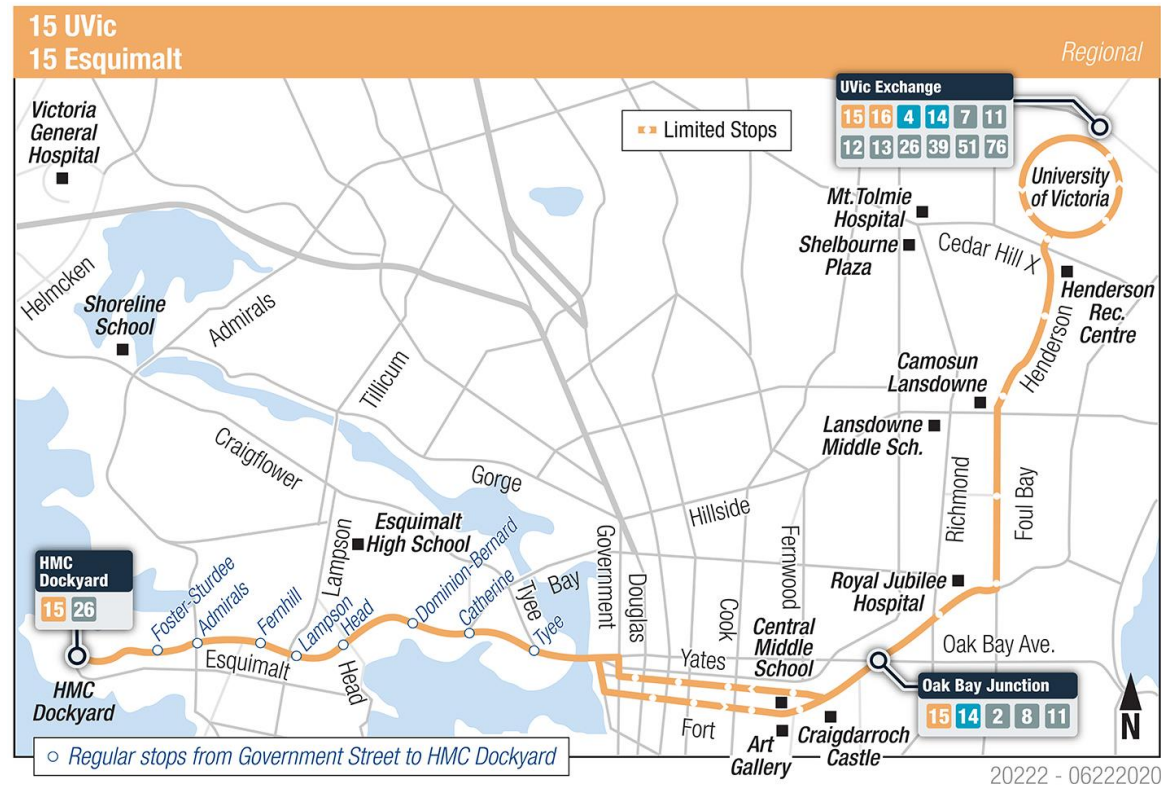
35%

11%



## Service Proposals: Long Term

### Introduce Rapid Bus service along Esquimalt Road



Do you support the proposed change?

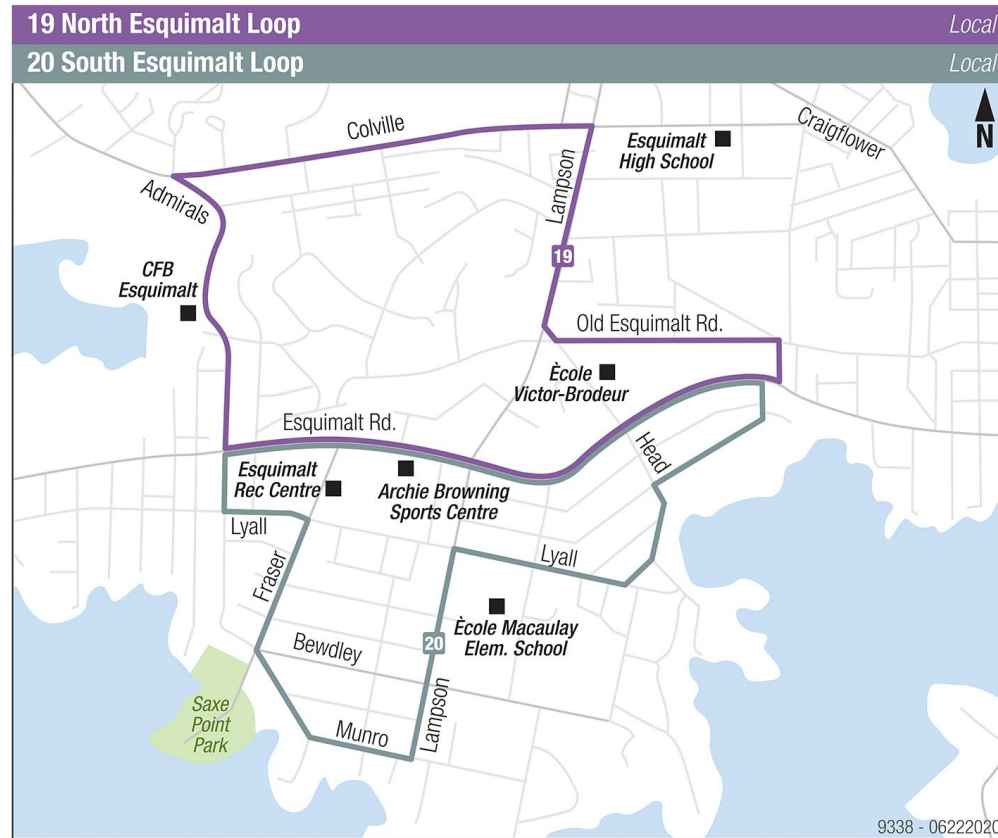


### How would this proposed change work for you?



# Service Proposals: Long Term

Introduce two new local circulator routes through Esquimalt



Do you support the proposed change?



How would this proposed change work for you?



# Next Steps

- Finalize plan to address feedback
- Present to Victoria Regional Transit Commission (Nov.)
- Implement service proposals (2021 on)







# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Staff Report

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File #:20-401

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### REQUEST FOR DECISION

**DATE:** August 24, 2020

Report No. CSS-20-014

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Blair McDonald, Director of Community Safety Services

**SUBJECT:**

Deer Study Proposal

**RECOMMENDATION:**

That Council review the Deer Study Proposal and direct staff to enter into a contract with the proponent to engage in a deer immunocontraception study in the Township for the upcoming three years.

**RELEVANT POLICY:**

Animal Management Bylaw, 2015, No. 2841

**STRATEGIC RELEVANCE:**

Healthy, Livable and Diverse Community; control deer in partnership with other governments; seek Provincial approval of deer management strategy, subsequent to the results of the Oak Bay pilot project.

**BACKGROUND:**

At the March 16, 2020 Council meeting, Council passed the following motion:

**MOTION # 1:**

- 1) That Esquimalt staff work with Dr Fisher and UWSS to determine ways that concurrent work done in Esquimalt may inform and assist but not duplicate the Oak Bay [OB] Project;
- 2) That the Township of Esquimalt initiate conversations with Songhees and Esquimalt First Nations to inform future applications to Province regarding deer research and management, recognizing First Nation consultation is a Provincial responsibility;
- 3) That the Township of Esquimalt complete application to the Province to allow for a Deer study and immuno-contraception through the above information for potential ability to action in the fall of

2020, and to submit for funding assistance through PUDOC (Provincial Urban Deer Cost Share Program) at the fall 2020 intake.

The proposal before Council is for a study of the efficacy of immunocontraception of Black-Tailed deer.

**ISSUES:**

1. Rationale for Selected Option

In July of 2020, staff received a report from Dr. Jason Fisher entitled "Black-Tailed Deer Population Size and Management in Esquimalt, British Columbia" (attachment #1). The report lays out the processes, procedures and costs to conduct a deer population and immunocontraceptive study similar to one conducted in Oak Bay. The study would occur over a three year period.

2. Organizational Implications

Staff time would be required to liaise and assist Dr. Fisher and his team where appropriate. Additionally, should the program begin it will inevitably generate calls of concern to the Township. These demands can be met within current staffing levels and within existing programs.

3. Financial Implications

As is laid out in the report, the costs of the three year project would be approximately \$373,000.00, which averages to approximately \$125,000.00 per year. There is the potential that some funding will be made available from the Province to help offset costs, however, the maximum funding available annually is \$20,000 per project/municipality and there is no guarantee that this amount will be received by the Township. There are currently no budget funds set aside for this project. The funding would need to be allocated in the 2021 through 2023 budget years to fund this project. Some of the funding would be required in the 2020 budget year to allow Dr. Fisher to seek approval to conduct the study, and also to apply for provincial funding in this year, should Council approve this project. This funding would not be in addition to the funds as detailed above.

4. Sustainability & Environmental Implications

Any sustainability and environmental implications will become more evident as the program progresses.

5. Communication & Engagement

Previous communication with the Department of National Defence has revealed that DND would prefer to participate in a region wide deer control initiative however have indicated they would be prepared to participate with Esquimalt once the final results of the Oak Bay Study are available. Dr. Fisher's report has been provided to DND biologists for their information and to inform any future decisions DND may wish to make relating to urban deer management.

The Township will assist Dr. Fisher and his team in communicating details of the program and activities that residents may see in their neighbourhoods should the program be realized.

Prior to approval of this study, the Province will consult with potentially impacted First Nations communities.

**ALTERNATIVES:**

1. That Council review the Deer Study Proposal and direct staff to enter into a contract with the proponent to engage in a deer immunocontraception study in the Township for the upcoming three years.
2. That Council review the Deer Study Proposal and direct staff to take no further action in relation to the proposal and to advise the proponent as such.
3. That Council provide alternate direction to staff.

# BLACK-TAILED DEER POPULATION SIZE AND MANAGEMENT IN ESQUIMALT, BRITISH COLUMBIA

A DRAFT PROPOSAL to the TOWNSHIP OF ESQUIMALT



50F10C



07-03-2018 05:46:44

## PROPONENT INFORMATION

Dr. Jason T Fisher, *M.Sc. Ph.D.*

Head, Applied Conservation Macroecology Lab [ACME Lab]

Adjunct Professor, University of Victoria, School of Environmental Studies

[fisherj@uvic.ca](mailto:fisherj@uvic.ca); 250-886-9494

## COLLABORATORS

Sandra Frey, Research Associate, ACME Lab

Dr. Adam Hering, *D.V.M. Ph.D.*

## PREFACE

This is a *Draft Proposal* presented to the Township of Esquimalt for their information only. It is not yet a final formal proposal from the University of Victoria and its contents are not legally binding in any way.

## PROJECT ABSTRACT

Columbia black-tailed deer (*Odocoileus hemionus columbianus*) are increasing in British Columbia's urban and suburban centres, creating management challenges across the province. Human-deer interactions can be expensive, carry perceived risk to property and human safety, and lead to the perception of wildlife as a “pest”. Management actions include a cull (direct population reduction) and contraception (indirect population reduction). Evaluating the efficacy of management options requires (1) accurately and precisely estimating deer populations before and after management treatment; (2) understanding what aspects of the suburban landscape facilitate (or preclude) deer occurrence; (3) examining how deer populations and distributions respond to population control. We propose a three-year study in Esquimalt, BC, using a novel combination of camera-trapping and immunocontraception to answer these questions.

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## EXECUTIVE SUMMARY

Black-tailed deer populations are on the rise in urban and suburban centres across British Columbia (BC). These small deer, native to Vancouver Island, are an important game species and dominant herbivores in the ecosystem, and have been markedly increasing in density in suburban centres. An abundance of food and an absence of predators have allowed populations to increase dramatically. With common public perception that deer destroy personal property and represent a safety risk, some BC municipalities have undertaken management decisions to reduce suburban black-tailed deer populations. Reduction includes both direct mortality (cull) and indirect population reduction through immunocontraception (IC). Wildlife management requires supporting science of sufficient precision and accuracy to support effective decision-making.

In 2018 the District of Oak Bay launched the Oak Bay Deer Study to answer questions about deer management. We used a combination of infra-red remote cameras, GPS telemetry, and cutting-edge statistical techniques to estimate deer density, distribution, habitat selection, and response to population control via immunocontraception. Here we propose to build on that work.

Capitalizing on the expensive telemetry work already conducted in Oak Bay, we propose to extend the array of camera-traps in Oak Bay to cover Esquimalt, to estimate deer density in this region

before, during, and after immunocontraception treatment. In Year 1 we will monitor the existing deer population and estimate (1) deer density, (2) deer fawning rates, and (3) deer habitat selection. In Year 2 we will treat 60 does with immunocontraception aimed at markedly reducing fawning rates. In Years 2 and 3 we will monitor the population response, and the response of fawning rates and habitat selection, to this treatment. This information will form the basis for a recommended action plan for Esquimalt to humanely and effectively manage black-tailed deer populations.

## INTRODUCTION

Black-tailed deer (BTD) are native to BC, an important prey species <sup>1</sup>, a key herbivore maintaining ecosystem function, and a game species for many British Columbians. However, the changing landscape of BC's suburban areas has been very good to deer. Predators such as bear, wolves, and cougars are kept at low density from most urban areas and its environs, effectively excluding them from their ecological roles in deer-population control. BTD populations are very sensitive to factors affecting recruitment <sup>2,3</sup>. BTD select high-energy and high-nutrient plants to eat <sup>4</sup>; in BC urban and suburban areas abundant backyard gardens and agricultural crops provides ample deer food, potentially allowing BTD to breed more often and more successfully than in natural landscapes. The trade-off between security from predation and food resources is not well understood <sup>5</sup>. We do know that in BC suburban areas, densities have increased markedly, leading some municipalities to vote to cull black-tailed deer. Thus far management culls have been based on very little data, and have had highly variable results, resulting in acrimonious legal battles. Further, without a common basis for setting culling decisions based on rigorous scientific data, the effect of culling on this important BC resource remains completely unknown.

Managing black-tailed deer populations around suburban centers to achieve long-term stability requires information on habitat selection and population densities. However, prior to research in Oak Bay, there was very limited data on black-tailed deer in suburban centers. Preliminary results from the Oak Bay Deer Study showed that deer are using areas with large residential lots with plenty of gardens (as opposed to smaller, higher-density residential lots), with a lesser contribution of public parks and green space. In other words, people's yards provide substantial food subsidies for black-tailed deer, and managing yard accessibility to deer will be an important piece of deer management.

The Oak Bay study also provided much more precise estimates of deer density. Traditional surveys are based on herd counts - which provide useful distribution information and generally provide low-precision results with wide confidence limits <sup>6</sup> – or aerial surveys which are nearly impossible in



suburban areas. Citizen-based herd count surveys engage the public, but do not produce reliable estimates; they lack the statistical rigor to scientifically or legally defend management actions. Estimating black-tailed deer densities in BC's suburban areas requires the application of new surveying approaches using a combination of infrared remote cameras (IRCs) and new statistical techniques.

IRC's are rapidly becoming a greatly popular wildlife research tool because they produce large volumes of data at low cost <sup>7,8</sup>. Their reliability in surveying wildlife species can be quantified <sup>9</sup> and IRCs have been shown to have very high accuracy at detecting species <sup>10</sup>. Remote camera surveys are an increasingly common approach for surveying ungulate occurrence <sup>11-13</sup>. IRCs have previously been used for deer in urban areas but without the statistical ability to estimate density from the data <sup>14</sup>.

With this emerging technology comes an emerging challenge: translating photos of deer into accurate and precise estimates of deer density. How does one distinguish between several photos of a single deer, and multiple photos of different deer? With new statistical density models <sup>15-17</sup>, the movement pattern and encounter rate of known, tagged deer observed on cameras can be extrapolated to the whole (unmarked, generic) camera-sampled population, and used to estimate density. This is the research we propose for Esquimalt.

## **METHODS AND OBJECTIVES**

### **Study Area**

We will deploy 40 camera traps across the Township of Esquimalt in a grid pattern, such that 40 cameras will span the region. The spacing between cameras is designed to allow for a single deer to be detected on multiple cameras, a requirement for the density estimation models. We over-design for 50 cameras and drop sites that prove too logistically challenging.



## Experimental Design

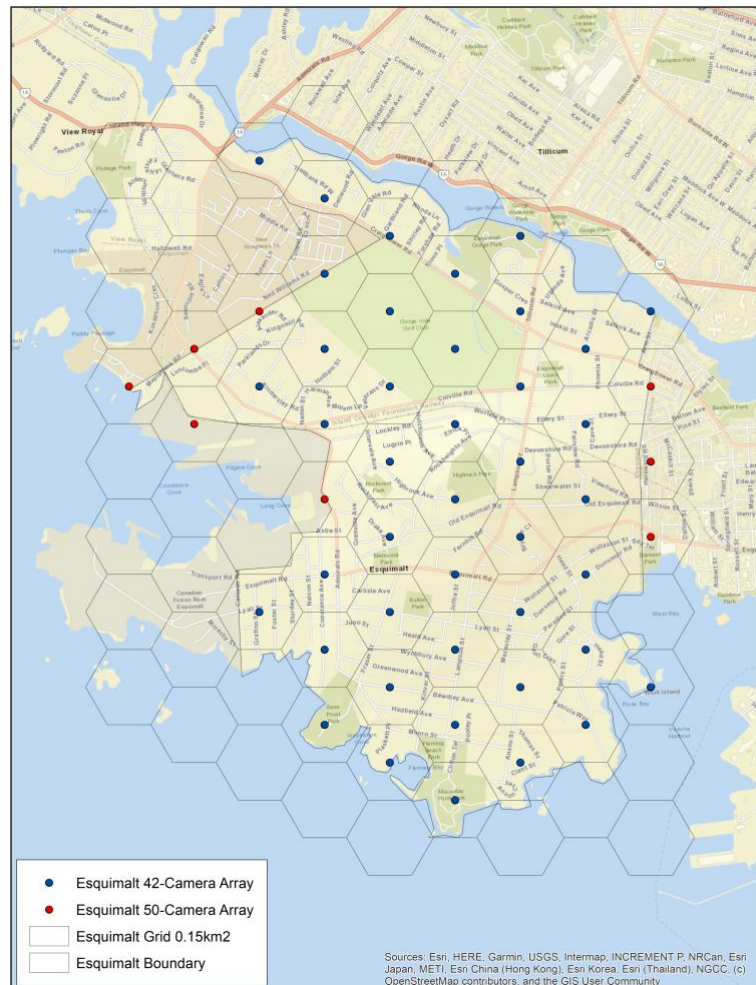
Camera trapping. – We will survey sites in a systematic design across the study area. We will monitor cameras monthly. For each BTD detection, we record date, time, location, and when possible, demographic information including sex and age group (e.g. adult, fawn). For collared BTD, we also note the unique colour tag combination for individual-level identification. Data on marked and unmarked BTD provide the basis of our population density estimation models.

Marking deer. – Building on the road-based surveys previously conducted in Esquimalt, we will stratify Esquimalt into areas of high

and low deer density and apportion our search efforts to these areas to achieve marked deer throughout the entire study area. We search the area for deer in multiple vehicles, once a deer is located that is in a suitable (safe) position for capture, we convene the teams and make the capture. Chemical immobilization is delivered *via* darting by experienced wildlife veterinarian Dr. Adam Hering (supported by capture teams) using current regulatory approvals and field protocols. Upon capture, we fit each doe with a unique colour tag or collar and collect biological samples (DNA, fecal, blood) for the Province.

## Data Analysis

We will examine how black-tailed deer are distributed relative to features in the urban landscape (such as forage patches and low-risk predation refuges) by analyzing serial presence-absence



camera data using patch occupancy models<sup>18</sup>. These models account for imperfect detectability, and estimate the probability of occupancy at a site in relation to habitat features<sup>19,20</sup>. This analysis has been used multiple times by the proponents<sup>10,21,22</sup>. It reveals those ecological factors – geographical location, habitat type, and anthropogenic footprint – that best predict black-tailed deer occupancy. In addition, we will model rates of local extinction and colonization using multi-season models<sup>23,24</sup> to examine rates of change in black-tailed deer occupancy through time. Seasonal mortality rates and fawning rates of known deer, will be analysed in population models to understand BTD population dynamics<sup>3,25</sup>.

We will test the efficacy of IC by estimating BTD density before and after treatment. We will use a new extension of spatial capture-recapture models developed to estimate density from repeated detections of individuals from a partially-marked population: Spatial Mark Resight Models (SMR)<sup>15-17</sup>.

SMR models are an extension of capture-recapture models, which estimate population density through a series of capturing and marking occasions. In traditional mark-recapture models, researchers capture animals on an initial survey occasion, mark the animals and then release them back into the population. On the second and subsequent survey occasions, a new set of animals are captured and the number of previously captured animals (possessing a mark, or collar) are counted, along with the total number of animals captured. All new animals are likewise marked and then released back into the population. This continues for as many survey occasions as necessary to reliably estimate the density. Assuming all animals can be captured with equal probability, the higher number of marked animals recaptured within each survey occasion, the smaller the overall population.

SMR models are slightly different in that we consider animals as “marked” if they were collared (or tagged), and “captured” if detected on a camera. Thus, we start and end with a pool of collared animals that are observed repeatedly (hence mark-resight survey, rather than a mark-recapture survey). SMR models use the detections, or “resights”, of both unmarked and marked individuals to estimate the density of a population<sup>26,27</sup>. The frequency at which collared animals are observed at neighbouring cameras is important: animals that are seen at many cameras range widely, and suggest a smaller number of deer than animals that are seen on only a few cameras close together. SMR statistical models are very recently developed—yet scientifically accepted—and enable movement pattern and encounter rate of collared (“marked”) BTD to be extrapolated to the whole un-collared (“unmarked”) camera-sampled BTD population to estimate density. They are revolutionizing how scientists estimate animal abundance<sup>28,29</sup>.

## COMMUNICATION/OUTREACH

We will rely on Esquimalt staff to assist us with outreach to citizens, informing them of this research and asking for their assistance in allowing us to place cameras on their properties. This assistance will be vital in allowing us to deploy our grid of camera traps. We will coordinate with Esquimalt police to inform them when we are capturing deer.

The results and conclusions from this project will be made widely available in the form of:

1. Final report to all project partners and members of the public.
2. Journal publications in *Journal of Applied Ecology* and *Journal of Wildlife Management* or similar, for dissemination to the scientific community.
3. Presentations at scientific conferences.

## Timeline

Objective #	Objective Name	Activity Name	Timeline*
1	Measure pre-treatment deer occurrence across Esquimalt	Deploy 40 cameras across Esquimalt	Fall 2020
1		Capture and tag 20 black-tailed deer does	Late Fall 2020
1		Monitor deer cameras	Fall 2020 – Late spring 2021
2	Data analysis	Estimate deer density, fawning rates, and habitat selection	Early summer 2021
3	Apply treatment	Treat 60 does with immunocontraception	Fall 2021
4	Measure post-treatment deer occurrence across Esquimalt	Monitor deer cameras	Fall 2021 – Fall 2022
5	Data analysis	Estimate post-treatment deer density, fawning rates, and habitat selection	Winter 2022/2023
6	Reporting	Final data analysis and reporting	Winter 2023

\*Timeline depends on the timing of funding acquisition and here assumes a summer 2020 approval. The timeline can be shifted as required but treatments must be applied to deer *in the late summer and early fall, before the rutting (mating) season*.

## Proposed Budget

### Total

General Research Task Breakdown	Materials & Supply	Labour	Proposal Total
Camera trapping	\$ 37,938.68	\$ 86,465.60	\$ 124,404.28
Capture and tag 20 deer (Y1)	\$ 45,843.20	\$ 27,703.20	\$ 73,546.40
Capture, IC, tag 60 deer (Y2)			
Monitoring captures (Y3)			
Data Analysis	\$ 3,500.00	\$ 65,553.60	\$ 69,053.60
Scientific oversight	\$ -	\$ 31,216.00	\$ 31,216.00
<b>SUBTOTAL</b>	<b>\$ 87,281.88</b>	<b>\$ 210,938.40</b>	<b>\$ 298,220.28</b>
<b>TOTAL with UVIC overhead 25%</b>			<b>\$ 372,775.35</b>

### Annual

Year	Materials & Supply	Labour	Totals
Year 1	\$ 35,340.00	\$ 66,350.00	\$ 101,690.00
Year 2	\$ 47,022.00	\$ 79,383.20	\$ 126,405.20
Year 3	\$ 5,919.88	\$ 65,205.20	\$ 71,125.08
<b>Totals</b>	<b>\$ 88,281.88</b>	<b>\$ 210,938.40</b>	<b>\$ 299,220.28</b>
<b>TOTAL with UVIC overhead 25%</b>			<b>\$ 372,775.35</b>

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# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Staff Report

File #:20-406

### REQUEST FOR DECISION

**DATE:** August 26, 2020

Report No. P&R-20-004

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Scott Hartman, Director of Parks and Recreation Services

**SUBJECT:**

Contract Award: Construction Services for Esquimalt Gorge Park, McLoughlin Point Amenity Funds - Waterfront Parks Project

**RECOMMENDATION:**

That Council:

- a. award Knappett Construction Inc the contract for construction of the multi-purpose building project at Esquimalt Gorge Park and direct staff to finalize the construction contract details; and,
- b. direct staff to request approval from the Capital Regional District for the transfer of more than 20% of the funds from the McLoughlin Point Amenity - Recreation Improvements Reserve Fund to the McLoughlin Point Amenity - Waterfront Parks Reserve Fund that are required for the project; and,
- c. should the Capital Regional District not permit the transfer of more than 20% of the McLoughlin Point Amenity Funds, direct staff to transfer 20% of the funds from the Recreation Improvements Reserve Fund to the Waterfront Parks Reserve Fund (\$1,000,000) and enter into long-term borrowing for the remaining funds required for the project (\$1,909,437)
- d. direct staff to actively apply for and pursue any applicable grant funding opportunities in order to reduce the amount of funds necessary from long-term borrowing.

**RELEVANT POLICY:**

Financial Plan Bylaw 2020-2024 No. 2986  
Purchasing and Disposal Bylaw, 2014, No. 2845

**STRATEGIC RELEVANCE:**

Healthy, Livable and Diverse Community  
Support the arts, culture and heritage community  
Enhance opportunities for Parks and Recreation  
Fully utilize the McLoughlin Amenity Funds to maximum potential



## BACKGROUND:

Based on Council direction from the December 16<sup>th</sup> 2019 meeting, the Township awarded the contract for Detailed Designs, Tender and Project Management Services for a multi-purpose building and a three-zoned fenced dog park at Esquimalt Gorge Park to Iredale Architecture.

At the March 2<sup>nd</sup> 2020 meeting, Council approved both the Development Permit and the Development Variance Permit for the multi-purpose building and site development at Esquimalt Gorge Park based on the design presented.

As a result of Council's decisions, staff and the consultants at Iredale Architecture conducted a Request for Tender procurement process for construction services for the multi-purpose building and site development at Esquimalt Gorge Park. Due to design delays and challenges during the initial stages of the COVID-19 pandemic, the Township issued the Tender for the multi-purpose building without the three-zoned fenced dog park. The dog park project can be constructed with a separate contract at a future date.

## ISSUES:

### 1. Rationale for Selected Option

A Request for Tender procurement process was completed for the construction of the multi-purpose building at Esquimalt Gorge Park based on the design approved for the Development Permit and Development Variance Permit. The following bids were received:

Knappett Projects Inc.	\$9,883,000
Dawson Wallace	\$10,471,000
Traggott Building Contractor	\$10,531,000
Kinetic Construction	\$10,590,475

There is currently \$7 million dollars allocated to waterfront park capital improvements in the McLoughlin Point Amenity - Waterfront Parks Reserve Fund.

The Iredale Architecture consultant team and Township staff have been working with Knappett representatives to identify potential scope and project changes in an effort to reduce the construction costs. As a result a revised contract tender price of \$8,809,890 has been submitted by Knappett.

The items identified for project cost reductions include: a simplified roof design; replacing the crawlspace with a slab on grade; removing the exterior security fencing; replacing the paving stones with concrete in the parking lot and pond area; reducing the cash allowances for facility fixtures by identifying alternate materials; and, replacing areas of exterior siding with alternate materials.

Additionally, some project items were identified that could be owner supplied to reduce the contract price. This would allow the Township to seek alternative sources of funding including grants and donations for items such as: site furnishings (bike racks, trash receptacles, benches); Japanese cherry trees; solar panels; HVAC control systems; and security cameras.

As a result of the revised tender price and updated expenses, the total proposed project budget for the multi-purpose building and surrounding landscaping is as follows:

Revised stipulated contract price	\$8,809,890
Owner supplied utility connections (hydro, sewer, water, cable)	\$130,000
Project construction contingency (approximately 4%)	\$352,000
Updated project consultant fees (architecture and engineering)	\$368,530
Owner supplied items:	
Site furnishings, solar panels, audio, security cameras, trees	\$187,900
Initial Stantec Concepts & Public Engagement (Fall 2019)	\$61,117
<b>Total Project Budget</b>	<b>\$9,909,437</b>

## 2. Organizational Implications

This project has been incorporated into existing staff work plans.

The \$7 million dollars allocated to waterfront park capital improvements must be committed and construction underway by the time the Waste Water Treatment Plant is operational. The current estimated timeline is December 2020.

## 3. Financial Implications

There is currently \$7 million dollars assigned in the McLoughlin Point Amenity - Waterfront Parks Reserve Fund for waterfront park improvements. During the recent Request for Tender procurement process and subsequent value engineering discussions with Knappett Projects Inc., the total project budget of constructing the multi-purpose building and site development at Esquimalt Gorge Park is identified at \$9,909,437:

Total project budget	\$9,909,437
Current funds assigned	\$7,000,000
Project funding shortfall	(\$2,909,437)

Should Council consider borrowing for the project funding shortfall, staff suggests that long-term debt servicing of ten to thirty years is preferred over short-term borrowing as the short term borrowing has a greater impact on our liability servicing for the future Public Safety Building project. Any funds borrowed would not be required until later in 2021 and should Council decide on this option, staff would prepare a separate report with financing options at that time.

### Funding alternatives for project shortfall:

#### **Option #1**

Transfer more than 20% of the assigned funds from the McLoughlin Point Amenity - Recreation Improvements Reserve Fund. Currently there is \$5 million assigned to the McLoughlin Point Amenity - Recreation Improvements Reserve Fund. This option would require formal approval

from the Capital Regional District.

This would allow the Township to fund this project with existing amenity reserve funds and not require debt servicing. The remaining funds could be reallocated to either the Public Safety Building project or to future enhancement projects for recreation improvements. There is no guarantee that this request to transfer funds would be approved by the Capital Regional District.

### **Option #2**

Transfer 20% (\$1 million of the \$5 million funds available) of the assigned funds from the McLoughlin Point Amenity - Recreation Improvements Reserve Fund. The current agreement with the Capital Regional District permits the Township to move up to 20% of the funds between the three reserve funds: Waterfront Parks Reserve Fund; Recreation Improvement Reserve Fund; and the Public Safety Facilities Reserve Fund.

The remaining amount of \$1,909,437 would be funded through long-term borrowing with a repayment term of ten years or more. This is to minimize the impact to the Capital Project Reserve Fund and minimize the impact to the Township's potential future borrowing plans for the Public Safety Building.

### **Option #3**

Council could choose to enter into long-term borrowing for the full remaining shortfall amount required for the project. This would allow Council to continue to explore project options for the \$5 million assigned to recreation capital improvements within the downtown area. However, this would also have a greater impact on the liability servicing for future debt and the balance of the Capital Project Reserve Fund for future capital projects.

### **Option #4**

Seek grant funding opportunities. Currently two Canada-British Columbia Investing in Canada Infrastructure Program grant funding opportunities are available: (1) Community, Culture, and Recreation; and, (2) CleanBC Communities Fund - Green Infrastructure - Climate Change Mitigation Sub-Stream.

The Community Recreation submission deadline is October 1<sup>st</sup> and the CleanBC Community Fund deadline is November 12<sup>th</sup>. This option may cause further delays and increased costs in the project as contract award as one of the current conditions is that construction activities cannot begin until grant approval is obtained. Should Council choose to rely on either of these grant funding options, an extension of the December 2020 contract deadline with the Capital Regional District would be necessary. While this project meets the funding eligibility, there is no guarantee that this project will receive grant funding. In addition, funding from community and private donations may assist with funding for site furnishings, however, these funds cannot be guaranteed at this time.

In any event, these grant funding opportunities should be pursued and applied for as current conditions may change or there may be lack of applicable projects. This is not an actual stand

alone option and grant applications should be undertaken as part of any funding alternative that is approved.

**Option #5**

Council could choose not to award the construction contract and direct staff to substantially change the design and scope of the current project. Council would need to seek a funding extension from the Capital Regional District for the December 2020 contract deadline as required in the Host Community 5-Year Agreement.

**4. Sustainability & Environmental Implications**

Construction designs have been refined and include components that will minimize environmental impacts and maximize opportunities for environmental initiatives and stewardship.

**5. Communication & Engagement**

A multi-phased engagement process that started in 2018 has been undertaken by the Township to inform the use of the McLoughlin Point Amenity Funds.

**ALTERNATIVES:**

**(1) That Council:**

- a. award Knappett Construction Inc the contract for construction of the multi-purpose building project at Esquimalt Gorge Park and direct staff to finalize the construction contract details; and,
- b. direct staff to request approval from the Capital Regional District for the transfer of more than 20% of the funds from the McLoughlin Point Amenity - Recreation Improvements Reserve Fund to the McLoughlin Point Amenity - Waterfront Parks Reserve Fund that are required for the project; and,
- c. should the Capital Regional District not permit the transfer of more than 20% of the McLoughlin Point Amenity Funds, direct staff to transfer 20% of the funds from the Recreation Improvements Reserve Fund to the Waterfront Parks Reserve Fund (\$1,000,000) and enter into long-term borrowing for the remaining funds required for the project (\$1,909,437)
- d. direct staff to actively apply for and pursue any applicable grant funding opportunities in order to reduce the amount of funds necessary from long-term borrowing.

**(2) That Council:**

- a. award Knappett Construction Ltd the contract for construction of the multi-purpose building project at Esquimalt Gorge Park and direct staff to finalize the construction contract details; and,
- b. direct staff to transfer 20% (\$1 million) of the funds from the McLoughlin Point Amenity Funds Recreation Improvements Reserve to the Waterfront Parks Project Reserve and utilize long-term borrowing for the remaining funds required for the project.

**(3) That Council:**

- a. delay issuing the contract award; and
- b. direct staff to submit a grant application for the multi-purpose building project at

Esquimalt Gorge Park to the Canada-British Columbia Investing in Canada Infrastructure Program for Community, Culture, and Recreation and to the CleanBC Communities Fund program; and,

- c. direct staff to request a deadline extension from the Capital Regional District until June 2021 as required in the Host Community 5-Year Agreement.

(4) That Council:

- a. direct staff to cancel the tender and not award the construction contract; and,
- b. provide staff with alternate direction for the allocation of the McLoughlin Point Amenity Fund Waterfront Parks Project.



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Staff Report

File #:20-395

### REQUEST FOR DECISION

**DATE:** August 12, 2020

Report No. DEV-20-058

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Official Community Plan Amendment and Rezoning Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street

**RECOMMENDATION:**

1. That Council adopts Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964, attached to Staff Report DEV-20-058 as Appendix A, which would:
  - amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'B', being the Proposed Land Use Designations Map by changing the 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. 2964, from 'High Density Residential' to 'Commercial/Commercial Mixed -Use'; and
  - amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the 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. 2964, from Development Permit Area No.6 - Multi-Family Residential to Development Permit Area No.4 - Commercial; and
2. That Council adopts Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, attached to Staff Report DEV-20-058 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].

### **RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050  
Local Government Act  
Declaration of Climate Emergency  
Parking Bylaw, 1992, No. 2011  
Development Application Procedures and Fees Bylaw, 2012, No. 2791  
Advisory Planning Commission Bylaw, 2012, No. 2792  
Subdivision and Development Control Bylaw, 1997, No. 2175  
Green Building Checklist

### **STRATEGIC RELEVANCE:**

This Request for Decision does not directly relate to a specific strategic objective.

### **BACKGROUND:**

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: Section 219 Covenant CA8354956, Priority Agreement CA8354957 [as registered]

### **Chronology**

November 23, 2018 - Rezoning Application submitted  
January 9, 2019 - Design Review Committee  
March 19, 2019 - Advisory Planning Commission  
May 6, 2019 - Official Community Plan Amendment Consultation List approved by Council  
August 19, 2019 - 1<sup>st</sup> and 2<sup>nd</sup> reading of bylaws  
May 25, 2020 - Rescind 2<sup>nd</sup> reading, amend and read anew a second time of bylaws  
July 13, 2020 - Public Hearing

### **Purpose of the Application**

Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965 were given 1<sup>st</sup> and 2<sup>nd</sup> reading on August 19, 2019. Second reading was rescinded, amended and read anew on May 25, 2020. The Public Hearing was held on July 13, 2020. Adoption of the bylaws was withheld subject to the registration of a Section 219 Covenant on title. The Section 219 Covenant has now been registered on title (Appendix C).

The covenant addresses the following items:

- 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.

Staff confirms that the final registered covenant CA8354956 adequately implements all of these items.

## **ISSUES:**

### **1. Rationale for Selected Option**

This proposed development is sited at an appropriate location for increased density as it is close to Esquimalt Road, BC Transit routes, and the CFB Esquimalt, one of the major employers in the Capital Regional District. This proposed development will increase the number of dwelling units in the Township in addition to creating a greater diversity in housing types. Moreover, over 150 square metres of interior space and 100 square metres of exterior space will be dedicated to a Group Children's Day Care Centre.

### **2. Organizational Implications**

This Request for Decision has no organizational implications.

### **3. Financial Implications**

This Request for Decision has no financial implications.

### **4. Sustainability & Environmental Implications**

The applicant has completed the Esquimalt Green Building Checklist, detailing green features that will be considered for inclusion in the development should it be approved. [Appendix E]

### **5. Communication & Engagement**

In accordance with post Public Hearing considerations, no further communications or engagements have been provided to Council.

**ALTERNATIVES:**

1. That Council adopts Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965.
2. That Council defeats Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965.

## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 2964

A Bylaw to amend Bylaw No. 2922, cited as the  
"Official Community Plan Bylaw, 2018, No. 2922"

THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "*Official Community Plan Bylaw, 2018, No. 2922, AMENDMENT BYLAW, 2019, NO. 2964*".
2. That Bylaw No. 2922, cited as the "Official Community Plan Bylaw, 2018, No. 2922" be amended as follows:

- (1) On PART 4 MAPS, Schedule 'B' (Proposed Land Use Designations) of the *Official Community Plan Bylaw 2018, No. 2922*, being the Proposed Land Use Designation Map, by changing the designation of the following property from 'High Density Residential' to 'Commercial/Commercial Mixed-Use', shown cross-hatched on Schedule 'A' attached to this bylaw:

PID: 000-713-465

Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854  
[616 Constance Avenue]

PID: 000-819-832

Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135  
[620 Constance Avenue]

PID: 006-393-608

Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854  
[619 Nelson Street]

PID: 006-278-647

Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135  
[623 Nelson 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  
[1326 Miles Street]

- (2) On PART 4 MAPS, Schedule 'H' (Development Permit Areas) of the *Official Community Plan Bylaw 2018, No. 2922* being the Development Permit Areas Map, by changing the designation of the following properties from Development Permit Area No. 6 - Multi-Family Residential to Development Permit Area No. 4 – Commercial , shown cross-hatched on Schedule 'A' attached to this bylaw:

PID: 000-713-465  
Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854  
[616 Constance Avenue]

PID: 000-819-832  
Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135  
[620 Constance Avenue]

PID: 006-393-608  
Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854  
[619 Nelson Street]

PID: 006-278-647  
Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135  
[623 Nelson 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  
[1326 Miles Street]

Consultation under Section 475 of the *Local Government Act* considered by the Municipal Council on the 6<sup>th</sup> day of May, 2019.

Referred to the School Board under Section 476 of the *Local Government Act*, by the Municipal Council on the 6<sup>th</sup> day of May, 2019.

READ a first time by the Municipal Council on the 19<sup>th</sup> day of August, 2019.

READ a second time by the Municipal Council on the 19<sup>th</sup> day of August, 2019.

Considered, in accordance with Section 477 of the *Local Government Act*, by the Municipal Council in conjunction with (i) its financial plan, and (ii) applicable waste management plan(s) under Part 3 [Municipal Waste Management] of the *Environmental Management Act*, including on the 19<sup>th</sup> day of August, 2019.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 13<sup>th</sup> day of July, 2020.

READ a third time by the Municipal Council on the 13<sup>th</sup> day of July, 2020.

ADOPTED by the Municipal Council on the ---- day of -----, 2020.

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BARBARA DESJARDINS  
MAYOR

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RACHEL DUMAS  
CORPORATE OFFICER



Sussex St

Nelson St

Constance Ave

Miles St

633

626

625

627

622

623

620

621

1319

618

619

616

611

612

1326

608

4-601

Schedule 'A'  
Bylaw No. 2964

## CORPORATION OF THE TOWNSHIP OF ESQUIMALT

### BYLAW NO. 2965

A Bylaw to amend Bylaw No. 2050, cited as the  
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF  
ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the *"ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2965"*.

2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:

(1) by adding the following words and figures in Section 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development District No. 121 (612 Constance Avenue)  
CD No. 121"

(2) by adding the following text as Section 67.108 (or as other appropriately numbered subsection within Section 67):

**67.108 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 121 [CD NO. 121]**

In that Zone designated as CD No. 121 [Comprehensive Development District No. 121] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Section.

(1) **Permitted Uses**

Only Mixed Commercial / Residential use is permitted and the following Uses and no others shall be permitted as part of that development:

- (a) Dwelling – Multiple Family
- (b) Home Occupation
- (c) Provided they are located on the First Storey or Second Storey
  - (i) Business and Professional Office
  - (ii) Group Children's Day Care Centre
- (d) Provided they are located on the First Storey:
  - (i) Laboratory and clinic
  - (ii) Personal Service Establishment
  - (iii) Public Health Clinic or facility
  - (iv) Restaurant
  - (v) Retail Store



(vi) Veterinary Clinic

(2) **Density - Floor Area Ratio**

- (a) **Base Density:** The Floor Area Ratio shall not exceed 3.0.
- (b) **Bonus Density:** The Floor Area Ratio may be increased up to, but shall not exceed 3.52 on the provision of all of the following conditions:
  - (i) Reservation of a Group Children's Day Care Centre with a minimum Floor Area of 150 square metres. The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure one (1) Non-Residential Unit as the Group Children's Day Care Centre. Once designated, the permitted uses of this zone shall be interpreted so that only Group Children's Day Care Centre, and no other use, is permitted in Non-Residential Unit.
  - (ii) The owner shall grant a Covenant under Section 219 of the *Land Title Act* to secure that the Principal Building shall be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code. Prior to issuance of a building permit, the owner shall provide professional letters of support confirming the architectural plans will permit the Principal Building to meet the requirements of Step 4 (R2000) of the BC Energy Step Code.
  - (iii) 8 Dwelling Units to be occupied by households with a gross household income at or below the BC Housing Income Limits for the Victoria region at a rent of no more than 30% of each of such households' gross annual household income. The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that these Dwelling Units remain as such.
  - (iv) 3 Dwelling Units to be occupied by households that require additional or specialized services or accommodations by reason of one or more difficulties such as physical, emotional, behavioural, developmental, or otherwise, as evidenced in writing by the appropriate Federal or Provincial ministry or agency. The owner shall enter into a Housing Agreement with the Township, under Section 483 of the *Local Government Act* to ensure that these Dwelling Units remain as such. These 3 Dwelling Units are in addition to the 8 Dwelling Units to be occupied by households with a gross household income at or below the BC Housing Income Limits for the Victoria Region.
  - (v) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* over the southeast corner of the parcel with a minimum area of 150 square metres to allow for privately owned publicly accessible open space prior to issuance of a building permit.
  - (vi) Perpetual Statutory Right of Way granted under Section 218 of the *Land Title Act* and a public walkway constructed

on that part of the parcel located within 6 metres of the northern Lot Line between Constance Avenue and Nelson Street prior to issuance of a building permit.

(3) **Parcel Size**

The minimum Parcel Size of fee simple Parcels created by subdivision shall be 2600 square metres.

(4) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(5) **Number of Dwelling Units**

No more than one hundred and twenty-nine (129) Dwelling Units shall be located on a Parcel

(6) **Building Height**

No Principal Building shall exceed a Height of 46.5 metres.

(7) **Lot Coverage**

(a) Principal Building shall not cover more than 82% of the Area of the Parcel including a parking structure.

(b) That portion of the Principal Building constructed at or above the First Storey shall not cover more than 57% of the Area of the Parcel.

(8) **Siting Requirements**

(a) **Principal Building:**

- (i) Front Setback: No Principal Building shall be located within 6.0 metres of the Front Lot Line abutting Miles Street.
- (ii) Exterior Side Setback: No Principal Building shall be located within 5.3 metres of the Exterior Side Lot Line abutting Constance Avenue.
- (iii) Exterior Side Setback: No Principal Building shall be located within 2.9 metres of the Exterior Side Lot Line abutting Nelson Street.
- (iv) Rear Setback: No Principal Building shall be located within -6.0 metres of the Rear Lot Line.

(b) **Accessory Buildings:**

- (i) No Accessory Building shall be permitted.

(9) **Siting Exceptions**

(a) **Principal Building:**

- (i) The minimum distance to the Front Lot Line may be reduced to 4.6 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (ii) The minimum distance to the Exterior Side Lot Line abutting Constance Avenue may be reduced to 3.7 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iii) The minimum distance to the Exterior Side Lot Line abutting Nelson Street may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (iv) The minimum distance to the Rear Lot Line may be reduced to 0.3 metres to accommodate the parking structure situated below the First Storey of a Principal Building.
- (v) The minimum distance to the Exterior Side Lot Line abutting Constance Avenue may be reduced by not more than 3.0 metres to accommodate the First Storey open patio attached to and forming part of a Principal Building.
- (vi) The minimum distance to the Exterior Side Lot Line abutting Nelson Street may be reduced by not more than 2.9 metres to accommodate the First Storey open patio attached to and forming part of a Principal Building.

(10) **Fencing**

- (a) Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.
- (b) Notwithstanding Section 22(1), fencing located on top of a retaining wall shall be measured distinctly and shall not exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(11) **Usable Open Space**

Usable Open Space shall be provided in an amount not less than 300 square metres.

(12) **Off-Street Parking**

- (a) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as

amended), off street parking shall be provided in the minimum of 12 parking spaces for the commercial portions of the building.

- (b) Notwithstanding Section 13 of Parking Bylaw, 1992, No. 2011 (as amended), off-street parking shall be provided in the minimum ratio of 0.88 spaces per dwelling unit.
  - (c) Notwithstanding Section 11 of Parking Bylaw, 1992, No. 2011 (as amended), a minimum of 17 of the parking spaces required per above (12) (b) shall be marked "Visitor".
  - (d) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a two way manoeuvring aisle accessing two banks of parking shall be 6.5 metres.
  - (e) Notwithstanding Section 14 of Parking Bylaw, 1992, No. 2011 (as amended), the minimum width of a two way manoeuvring aisle accessing one bank of parking shall be 6.5 metres.
  - (f) Notwithstanding Section 14(4) of Parking Bylaw, 1992, No. 2011 (as amended), where any space abuts any portion of a fence or structure, the minimum stall width shall not increase.
  - (g) For greater certainty, all other uses must comply with Parking Bylaw requirements.
3. by changing the zoning designation of PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854 [616 Constance Avenue], PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135 [620 Constance Avenue], PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854 [619 Nelson Street], PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135 [623 Nelson 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 [1326 Miles Street], all shown cross-hatched on Schedule "A" attached hereto, from RM-1 [Multiple Family Residential] to CD No. 121 [Comprehensive Development District No. 121]
4. by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" to show the changes in zoning classification effected by this bylaw.

READ a first time by the Municipal Council on the 19<sup>th</sup> day of August, 2019.

READ a second time by the Municipal Council on the 19<sup>th</sup> day of August, 2019.

RESCIND SECOND READING, amend bylaw and read anew a second time by the Municipal Council on the 25<sup>th</sup> day of May, 2020.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 13<sup>th</sup> day of July, 2020.

READ a third time by the Municipal Council on the 13<sup>th</sup> day of July, 2020.

**ADOPTED** by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2020.

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BARBARA DESJARDINS  
MAYOR

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RACHEL DUMAS  
CORPORATE OFFICER



Sussex St

Nelson St

Constance Ave

Miles St

633

626

625

627

622

623

620

621

1319

618

619

616

611

612

1326

608

4-601

Schedule 'A'  
Bylaw No. 2965



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Staff Report

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File #:20-396

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### REQUEST FOR DECISION

**DATE:** August 12, 2020

Report No. DEV-20-059

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Housing Agreement Bylaw - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street

**RECOMMENDATION:**

That Council adopts Housing Agreement Bylaw, 2019, No. 2981, attached as Appendix A of Staff Report DEV-20-059, for 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street

**RELEVANT POLICY:**

Zoning Bylaw, 1992, No. 2050  
Local Government Act

**STRATEGIC RELEVANCE:**

This Request for Decision does not directly relate to a specific strategic objective.

**BACKGROUND:**

Appendix A: Housing Agreement Bylaw, 2019, No. 2954

**Purpose of the Application**

The applicant is requesting a change in zoning from the current RM-1 [Multiple Family Residential] zone to Comprehensive Development District No.121. This change is required to accommodate the proposed 12-storey, commercial residential mixed-use, building including 129 residential units and a 126 space parking garage.

The property owner and the Township wish to enter into a Housing Agreement that would include the following provisions:

- Other than restricting short-term rentals of less than 30 days, all of the dwelling units are available as rental housing rented under the terms of a residential tenancy agreement that complies with the provisions of the Residential Tenancy Act.



- A minimum of 8 affordable dwelling units will be provided consisting of:
  - 4 One-bedroom units, and
  - 4 Two-bedroom units.
- A minimum of 3 special needs dwelling units will be provided consisting of:
  - 2 One-bedroom units, and
  - 1 Two-bedroom unit.
- Affordable dwelling units must have an occupancy standard of at least one person per bedroom, and at least one person per bachelor unit.
- Affordable dwelling units must be occupied by households with a gross annual income at or below the BC Housing Income Limits for the Victoria region.
- Affordable rent is defined as not more than 30% of the gross household annual income.

Council gave first, second and third reading to Housing Agreement Bylaw, 2019, No. 2981 on December 16, 2019.

Council rescinded Third Reading of Housing Agreement Bylaw, 2019, No. 2981, amended, and read anew the bylaw at the Regular Council Meeting on June 22, 2020. This Housing Agreement was amended to include an additional provision that limits an individual, government agency, or corporation to allocate no more than ten dwelling units at any given time. An exception to this allocation is made for the Department of National Defence and Seaspan for workforce housing.

## **ISSUES:**

1. Rationale for Selected Option  
Registration of the Housing Agreement would ensure that a minimum of 8 units would be rented as affordable units and a minimum of 3 units would be rented as special needs units.
2. Organizational Implications  
This Request for Decision has no organizational implications.
3. Financial Implications  
This Request for Decision has no financial implications.
4. Sustainability & Environmental Implications  
This Request for Decision has no sustainability or environmental implications.
5. Communication & Engagement  
A housing agreement to secure the rental and affordable housing units is required as part of this rezoning application. The Local Government Act does not require that notification be provided when a municipality is considering approval of a Housing Agreement Bylaw.

## **ALTERNATIVES:**

1. That Council adopts Housing Agreement Bylaw, 2019, No. 2981.
2. That Council defeat Housing Agreement Bylaw, 2019, No. 2981.

# **CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

## **BYLAW NO. 2981**

A Bylaw to authorize a Housing Agreement  
under section 483 of the *Local Government Act*

THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF ESQUIMALT, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the *"HOUSING AGREEMENT (616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street) BYLAW, 2019, NO. 2981"*.
2. The Mayor and the City's Corporate Officer are authorized to execute the Housing Agreement:

(a) set out in Schedule A,

(b) between the Township and 1174489 B.C. LTD., Inc. No. BC1174489, and

(c) that applies to the land known as 616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street legally described as:

PID: 000-713-465, Lot 95, Suburban Lot 44, Esquimalt District Plan 2854

PID: 000-819-832, Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135

PID: 006-393-608, Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854

PID: 006-278-647, Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135

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

READ a first time by the Municipal Council on the 16<sup>th</sup> day of December, 2019.

READ a second time by the Municipal Council on the 16<sup>th</sup> day of December, 2019.

READ a third time by the Municipal Council on the 16<sup>th</sup> day of December, 2019.

RESCIND THIRD READING, amend bylaw and read anew a third time by the Municipal Council on the 22<sup>nd</sup> day of June, 2020

ADOPTED by the Municipal Council on the \_\_\_\_ day of \_\_\_\_\_, 2020.

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BARBARA DESJARDINS  
MAYOR

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RACHEL DUMAS  
CORPORATE OFFICER

**SCHEDULE A to Bylaw No. 2981  
HOUSING AGREEMENT**

**HOUSING AGREEMENT**  
(Pursuant to Section 483 of the *Local Government Act*)

**THIS AGREEMENT is made the \_\_\_\_ day of \_\_\_\_\_, 2020.**

**BETWEEN:**

**THE CORPORATION OF THE TOWNSHIP OF ESQUIMALT**  
1229 Esquimalt Road,  
Esquimalt, BC V9A 3P1  
  
(“the “**Township**”)

**AND**

**1174489 B.C. LTD., Inc. No. BC01174489**  
5320 89 Street NW  
Edmonton, AB T6E 5P9  
  
(the “**Owner**”)

**AND:**

**FISGARD CAPITAL CORPORATION**  
3378 Douglas Street  
Victoria, BC V8Z 3L3  
  
(the “**Existing Chargeholder**”)

**RECITALS:**

- A. Under Section 483 of the *Local Government Act*, R.S.B.C. 2015 c.1 (the “**LGA**”), the Township may, by bylaw, enter into a Housing Agreement with an owner regarding the occupancy of the housing units identified in the Agreement, including but not limited to terms and conditions referred to in Section 483(2) of the *LGA*;
- B. The Owner is the registered owner in fee-simple of those lands with a current civic address of 616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street in the Township of Esquimalt in the Province of British Columbia (“**BC**”), and legally described as:

000-713-465	Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854
000-819-832	Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135

006-393-608	Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854
006-278-647	Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135
006-375-723	Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854
006-375-693	Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854

(collectively, the “**Lands**”).

- C. The Owner has submitted an application to the Township to rezone the Lands to Comprehensive Development District No. 121 (612 Constance Avenue) CD No. 121 further to OFFICIAL COMMUNITY PLAN BYLAW, 2018, NO. 2922, AMENDMENT BYLAW NO. 2964 and ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2965 (the “**Amendment Bylaws**”) to authorize the development of a 12 storey commercial-residential mixed use building on the Lands, which building is planned to include eight (8) affordable housing units, three (3) special needs housing units, and a minimum of 126 underground parking stalls (including 17 permanent visitor parking stalls) (the “**Development**”), and acknowledging that the restrictions and requirements contained herein are in the public interest, the Owner has offered and voluntarily provided this Agreement to the Township, and the Township has accepted this Agreement as a condition of the Amendment Bylaw.
- D. The Owner and the Township wish to enter into this Agreement, as a Housing Agreement pursuant to Section 483 of the *LGA*, to secure the agreement of the Owner with respect to the matters noted herein (the “**Agreement**” or the “**Housing Agreement**”), the parties acknowledging that Notice of this Housing Agreement shall be placed on title to the Lands and shall be binding on future owners in accordance with *LGA* s.483(6).

**NOW THIS AGREEMENT WITNESSES** that pursuant to Section 483 of the *LGA*, and in consideration of the promises and covenants contained in this Housing Agreement, the parties agree each with the other as follows:

## **1. DEFINITIONS**

- 1.1. Unless otherwise stated, the definitions of the Township’s ZONING BYLAW, 1992 NO. 2050 (the “**Zoning Bylaw**”) apply to this Agreement, as amended and replaced from time to time.
- 1.2. The following words and terms in this Housing Agreement have the following meanings:
- (a) “**Affordable Rent**” means a rent that is no more than 30% of the gross annual income for households at or below the BC Housing Income limits for the Greater Victoria region, as determined by size of unit from time to time;

- (b) **"Affordable Units"** means those eight (8) Dwelling Units occupied by households with a gross annual income at or below BC Housing Income Limits for the Greater Victoria region as contemplated by this Agreement;
- (c) **"Dwelling Units"** means the units dedicated to or used for residential uses;
- (d) **"Housing Income Limits"** of **"HIL"** means the income required to pay the average market rent for a comparably sized unit in the private market, as determined by BC Housing.
  - (i) If HIL is not determined or published in any given year, the parties agree the most recent year of publication shall be used, subject to such reasonable adjustments as agreed between the parties, with or without modification to this Agreement;
  - (ii) For information purposes, the 2018 Housing Income Limits for the Victoria region, by size of unit, are as follows:
    - Bachelor: \$34,500
    - 1 Bedroom: \$39,800
    - 2 Bedrooms: \$51,700
    - 3 Bedrooms: \$74,300
- (e) **"Individual with Special Needs"** means an individual who requires additional or specialized services or accommodations by reason of one or more difficulties such as physical, emotional, behavioural, developmental, or otherwise, as evidenced in writing by the appropriate Federal or Provincial ministry or agency or such other written evidence as the Township may accept in its sole discretion.
- (f) **"Special Needs Units"** means those Dwelling Units which are capable of accommodating an Individual with Special Needs in accordance with the minimum requirements set out in **Schedule B** of this Agreement, all to the satisfaction of the Township's Director of Planning and Development, and which are occupied by an Individual with Special Needs.

## 2. RENTAL UNITS ONLY – MARKET WORKFORCE HOUSING

2.1. The Owner covenants and agrees that the building it constructs upon the Lands will contain residential Dwelling Units which:

- (a) must only be used and occupied for residential purposes in accordance with Township's Zoning Bylaw;
- (b) must not be restricted as to their availability for rent by non-owners. For greater clarity, short term rentals, short term licenses, tourist accommodations and similar short term occupations may be restricted, as they are not permitted uses under the Zoning Bylaw;

- (c) must be used for the purpose of providing rental housing, rented under the terms of a residential tenancy agreement that complies with the provisions of the *Residential Tenancy Act*; and
  - (d) must not be occupied by any registered owner.
- 2.2. The Owner covenants and agrees that the Development will not restrict rental of the Dwelling Units by non-owners.
- 2.3. The Owner presented the Development as a purpose-built rental apartment-style building where all units are owned by a single entity, and acknowledges that the Lands and building cannot be subdivided or stratified, as further secured by Covenant under section 219 of the *Land Title Act*, and therefore the Owner cannot and will not make application to deposit a strata plan for the building that is to be constructed on the Lands, or undertake other ownership structure that would restrict or compromise the rental of the residential units.
- 2.4. The Owner acknowledges that a Township goal includes providing market workforce housing and therefore the Owner further covenants and agrees that the Dwelling Units (except for the Affordable Units and Special Needs Units) must be at all times available to all classes of persons, and the tenancies and occupancies for all the Dwelling Units must be residential and must not be institutional in nature and not restricted to a specific class of persons. However, the parties acknowledge and agree that this provision does not:
  - (a) prohibit allocation of one or more of the Affordable Units and one or more of the Special Needs Units to a single individual, governmental agency, or corporation;
  - (b) restrict units built as Special Needs Units from being restricted to only those Individuals with Special Needs requiring such units, so that only Individuals with Special Needs may occupy these units;
  - (c) restrict rental of individual units to Individuals with Special Needs;
  - (d) prohibit allocation of multiple units to the Department of National Defence for use by the Department of National Defence;
  - (e) prohibit allocation of multiple units to Seaspan ULC for use by Seaspan ULC; or
  - (f) prohibit one allocation of up to ten (10) units in the Development to a single individual, governmental agency or corporation, other than the Department of National Defence or Seaspan ULC, for use by that individual, governmental agency or corporation, and for clarity, not more than a total 10 units in the Development may be so allocated at any given time;provided all other provisions of this Agreement and Township Bylaws are satisfied.

### **3. AFFORDABLE HOUSING UNITS (8)**

- 3.1. The Owner covenants and agrees that:



- (a) a minimum of eight (8) of the Dwelling Units on the Lands must be Affordable Units rented for Affordable Rents;
- (b) the Affordable Units must be used for the purpose of providing rental housing to households for Affordable Rent, with each Affordable Unit rented under the terms of a residential tenancy agreement that complies with the provisions of the *Residential Tenancy Act*;
- (c) must not be occupied by any registered owner; and
- (d) the Affordable Units must be of the following sizes:
  - (i) four (4) One-bedroom Units, and
  - (ii) four (4) Two-bedroom Units.

3.2. For greater certainty, the parties acknowledge and agree:

- (a) The eight (8) Affordable Units may be scattered throughout the Development;
- (b) The parties may agree, in writing but with or without modification of this Agreement, to adjust the unit size allocation if Three-Bedroom Units are to be made Affordable Units; and
- (c) The Affordable Rents may change on an annual basis, subject to compliance with BC Housing Income Limits and Provincial residential tenancy legislation.

#### 4. SPECIAL NEEDS HOUSING UNITS (3)

4.1. The Owner covenants and agrees that:

- (a) separate and in addition to the eight (8) Affordable Units, a minimum of three (3) of the Dwelling Units on the Lands must be Special Needs Units that are each rented to an Individual with Special Needs;
- (b) the Special Needs Units must each be used for the purpose of providing housing to an Individual with Special Needs, and if rented, then rented under the terms of a residential tenancy agreement that complies with the provisions of the *Residential Tenancy Act*; and
- (c) the Special Needs Units must be of the following sizes:
  - (i) two (2) One-bedroom Units, and
  - (ii) one (1) Two-bedroom Unit.

4.2. Specific Dwelling Units are designated as the three (3) Special Needs Units in accordance with **Schedule A** of this Agreement.

4.3. For greater certainty, the parties acknowledge and agree:

- (a) The three (3) Special Needs Units may be scattered throughout the Development;

- (b) Only one occupant of a Special Needs Unit must be an Individual with Special Needs, provided they are the full-time primary occupant, or a child that is a full-time occupant; and
  - (c) The parties may agree, in writing but with or without modification of this Agreement, to adjust the location of the Special Needs Units and the unit size allocation if Three-Bedroom Units are to be made Special Needs Units.
- 4.4. The Owner will construct the Special Needs Housing Units such that they will accommodate, or are capable of being adapted to accommodate, an Individual with Special Needs in accordance with the minimum requirements set out in **Schedule B**, all to the satisfaction of the Township's Director of Development Services and with such amendments as may be agreed upon by the Township's Director of Planning and Development.
- 4.5. The Special Needs Units must be wheelchair accessible.

## **5. ADMINISTRATION & MANAGEMENT - REPORTING**

- 5.1. Within thirty (30) days of receipt of a request from the Township, the Owner must provide the Township with a report in writing that identifies the following for the Development or portions thereof, respectively:
- (a) The number, type (e.g., one-bedroom, two-bedroom, three -bedroom), and location, by suite number, of all Dwelling Units that are being rented to individuals (i.e., not owner-occupied) or are available for rent or lease to individuals, including identifying those that are vacant and the reason for vacancy;
  - (b) The name of property management company(ies) or non-profit organization(s) managing the Dwelling Units;
  - (c) A copy of the standard form(s) of tenancy or occupancy agreement for each rented Dwelling Unit, including term of that agreement (but without the personal information of each individual agreement);
  - (d) Location and use of other buildings, units and rooms on the Lands;
  - (e) Subject to the provisions of relevant prevailing law in connection therewith, the name(s) and contact information of all individuals, governmental agencies, non-profit organizations, or corporations that use, occupy, manage or operate more than one (1) Dwelling Unit in the Development (and the respective unit numbers);
  - (f) Additional requirements with respect to the Affordable Units:
    - (i) The number, type (e.g., one-bedroom, two-bedroom, three-bedroom), and location, by suite number, of each of the Affordable Units;
    - (ii) The date each Affordable Unit was first occupied in accordance with this Agreement, respectively;

- (iii) By each Affordable Unit, the number of individuals occupying such unit and the monthly rent or lease payment charged; and
    - (iv) The BC Housing Income Limits used to determine eligibility for Affordable Units and the Affordable Rent;
  - (g) Additional requirements with respect to the Special Needs Units:
    - (i) The number, type (e.g., one-bedroom, two-bedroom, three-bedroom), and location, by suite number, of each of the Special Needs Units, including identification of any modified Dwelling Units that would alter the Dwelling Unit's classification as a Special Needs Unit;
    - (ii) The date each Special Needs Unit was first occupied in accordance with this Agreement, respectively; and
    - (iii) By each Special Needs Unit, the number of individuals occupying such unit and the monthly rent or lease payment charged;
  - (h) Additional requirements with respect to any Dwelling Units allocated to a single individual, governmental agency, or corporation for management, operation or use:
    - (i) The number, type (e.g., one-bedroom, two-bedroom, three-bedroom), and location, by suite number, of each of the allocated Dwelling Units;
    - (ii) The date each of the allocated Dwelling Units was first occupied in accordance with this Agreement, respectively;
    - (iii) By each allocated Dwelling Unit, the number of individuals occupying such unit; and
    - (iv) If rented, the monthly rent or lease payment paid by the single individual, governmental agency, or corporation for each of the allocated Dwelling Units; and
  - (i) Such further information identified at the request of the Township, provided such is relevant to the interpretation, administration or enforcement of this Housing Agreement.
- 5.2. The Owner will keep accurate records pertaining to the use and occupancy of the Dwelling Units. At the written request of the Township, within forty-five (45) days of receiving such request, the Owner will make such records available for inspection by the Township.
- 5.3. The parties acknowledge and agree that
- (a) the reporting requirements will not be imposed more than once per year, unless there are reasonable grounds to believe that there may be a breach in fact or in spirit, of this Housing Agreement (as determined in the Township's sole discretion, for the purposes of reporting); and
  - (b) there are no reporting requirements unless the Township so requests, but when the Township requests a report the Township may request the

information for the year in which such report is requested and for previous years not previously reported.

## **6. NOTICE IN LAND TITLE OFFICE**

- 6.1. Notice of this Housing Agreement will be filed in the Land Title Office by the Township at the sole cost of the Owner in accordance with Section 483 of the *LGA*, and this Housing Agreement is binding on the parties to this Housing Agreement as well as all persons who acquire an interest in the Lands after filing of the Notice.

## **7. RELEASE AND INDEMNITY**

- 7.1. The Owner covenants and agrees to indemnify and save harmless the Township from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which anyone has or may have against the Township or which the Township incurs as a result of any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Housing Agreement, the breach of any covenant in this Housing Agreement, or the use, occupancy and tenure of the Lands contemplated under this Housing Agreement
- 7.2. The Owner releases and forever discharges the Township of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees (on a solicitor-client basis) whatsoever, in law or equity, which the Owner can or may have against the Township for any loss, damage, deprivation, enrichment or injury, including economic loss, arising out of or connected with the restrictions or requirements of this Housing Agreement, the breach of any covenant in this Housing Agreement, or the use, occupancy, and tenure of the Lands contemplated under this Housing Agreement.

## **8. PRIORITY AGREEMENT**

- 8.1. The Existing Chargeholder, as the registered holder of a charge by way of Mortgage and Assignment of Rents against the Lands, which said charges are registered in the Land Title Office at Victoria, British Columbia, under numbers CA8114662 and CA8114663 respectively, for and in consideration of the sum of One Dollar (\$1.00) paid by the City (the receipt whereof is hereby acknowledged), agrees with the City that upon filing of a Notice with the Land Title Office that the Lands are subject to this Agreement, pursuant to Section 483(5) of the *Local Government Act*, this Agreement shall be an encumbrance upon the Lands in priority to the said charges in the same manner and to the same effect as if Notice had been filed prior to the said charges.

## **9. GENERAL PROVISIONS**

- 9.1. **NOTICE:** Any notice permitted or required by this Housing Agreement to be given to either party must be given to that party at the address set out above, or at any other address of which the party has given the other party notice in writing expressly for the purposes of this Housing Agreement.
- 9.2. **CONFLICT:** In the event of a conflict between the terms of this Housing Agreement and the provisions of Township bylaws in relation to land use or density, the bylaws will prevail in accordance with Section 483(3) of the *LGA*.
- 9.3. **BINDING EFFECT:** This Housing Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees, in accordance with Section 483(6) of the *LGA*.
- 9.4. **TIME:** Time is of the essence of this Housing Agreement.
- 9.5. **WAIVER:**
- (a) No provision of this Housing Agreement may be waived by a party unless the waiver is expressed in writing.
  - (b) The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Housing Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 9.6. **HEADINGS:** The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- 9.7. **LANGUAGE:** Wherever the singular, masculine, and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 9.8. **CUMULATIVE REMEDIES:** No remedy under this Housing Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity. Damages will be an inadequate remedy for the Township, and the Township is entitled to an order for specific performance or a prohibitory or mandatory injunction in order to compel performance of the obligations in this Housing Agreement.
- 9.9. **RELATIONSHIP OF PARTIES:**
- (a) No provision of this Housing Agreement may be construed to create a partnership or joint venture relationship, an employer-employee relationship, a landlord-tenant, or a principal-agent relationship.
  - (b) The Owner is solely responsible for all costs and expenditures required to fulfill its obligations under this Housing Agreement, whether those costs and expenses are, or are not, specifically referred to in this Housing Agreement.

**9.10. FURTHER ASSURANCES:** The Owner will do, execute, and deliver, or cause to be done, executed, and delivered all such further acts, documents and things as may be reasonably required from time to time to give effect to this Housing Agreement.

**9.11. ENTIRE AGREEMENT:**

- (a) This Housing Agreement contains the entire agreement and understanding of the parties with respect to the matters contemplated by this Housing Agreement and supersedes all prior and contemporaneous agreements between them with respect to such matters.
- (b) No representations, warranties or conditions, express or implied, oral or otherwise, have been made other than those expressed in this Housing Agreement.

**9.12. NO RESTRICTION ON TOWNSHIP AUTHORITY:** Except as required by Section 483 of the *LGA*, nothing contained or implied in this Housing Agreement:

- (a) prejudices or affects the rights, powers or discretion of the Township in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Housing Agreement had not been executed and delivered by the Owner;
- (b) imposes any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Housing Agreement or the breach of any provision in this Housing Agreement; or
- (c) imposes any public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, on the Township with respect to its exercise of any right or remedy expressly provided in this Housing Agreement or at law or in equity.

**9.13. SEVERABILITY:** Each article of this Housing Agreement is severable. If any provision of this Housing Agreement is held to be illegal or invalid by a court of competent jurisdiction, such provision may be severed and the illegality or invalidity thereof will not affect the validity of the remainder of this Housing Agreement.

**9.14. ACKNOWLEDGEMENT:** The Owner acknowledges having been directed to obtain independent legal advice and having read and fully understood all the terms and conditions of this Housing Agreement. The Owner confirms that this Housing Agreement has been entered into voluntarily. The Owner acknowledges and agrees that any information submitted to the Township is subject to the *BC Freedom of Information and Protection of Privacy Act*.

**9.15. AMENDMENT:**

- (a) This Agreement may be amended from time to time upon terms and conditions acceptable to the parties.

- (b) The Owner acknowledges that it is within the Township's sole discretion to consent or not to consent to modifications of this Agreement and that such consent may be withheld for any reason.

**9.16. APPLICABLE LAW:** This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

**9.17. COUNTERPARTS:** This Housing Agreement may be executed and delivered in counterparts with the same effect as if both parties had signed the same document. Each such counterpart is deemed to be an original. All counterparts are construed together and constitute one and the same Agreement.

**9.18. APPLICABLE LAW:** This Housing Agreement is to be construed in accordance with and be governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the day and year first above written.

**TOWNSHIP OF ESQUIMALT**

by its authorized signatories

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**1174489 B.C. LTD., Inc. No. BC01174489**  
by its authorized signatories

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

*ANSA KASAM*

**FISGARD CAPITAL CORPORATION**  
by its authorized signatories

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

## **Schedule A – Designation of Specific Dwelling Units as Special Needs Units**

*[see attached]*



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DIALOG  
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VANCOUVER BC V6A 1E1

Mechanical Engineer  
DIALOG  
455-011 ALEXANDER STREET  
VANCOUVER BC V6A 1E1

Electrical Engineer  
DIALOG  
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Landscape Architect  
DIALOG  
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Civil Engineer and Survey  
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Vancouver BC V6N 4A5  
Tel: 778-433-5893

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Passive House Consultant  
P&H CONSULTING  
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Tel: 604-673-1181 x 145

SEAL

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RESIDENTIAL  
DEVELOPMENT

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BC

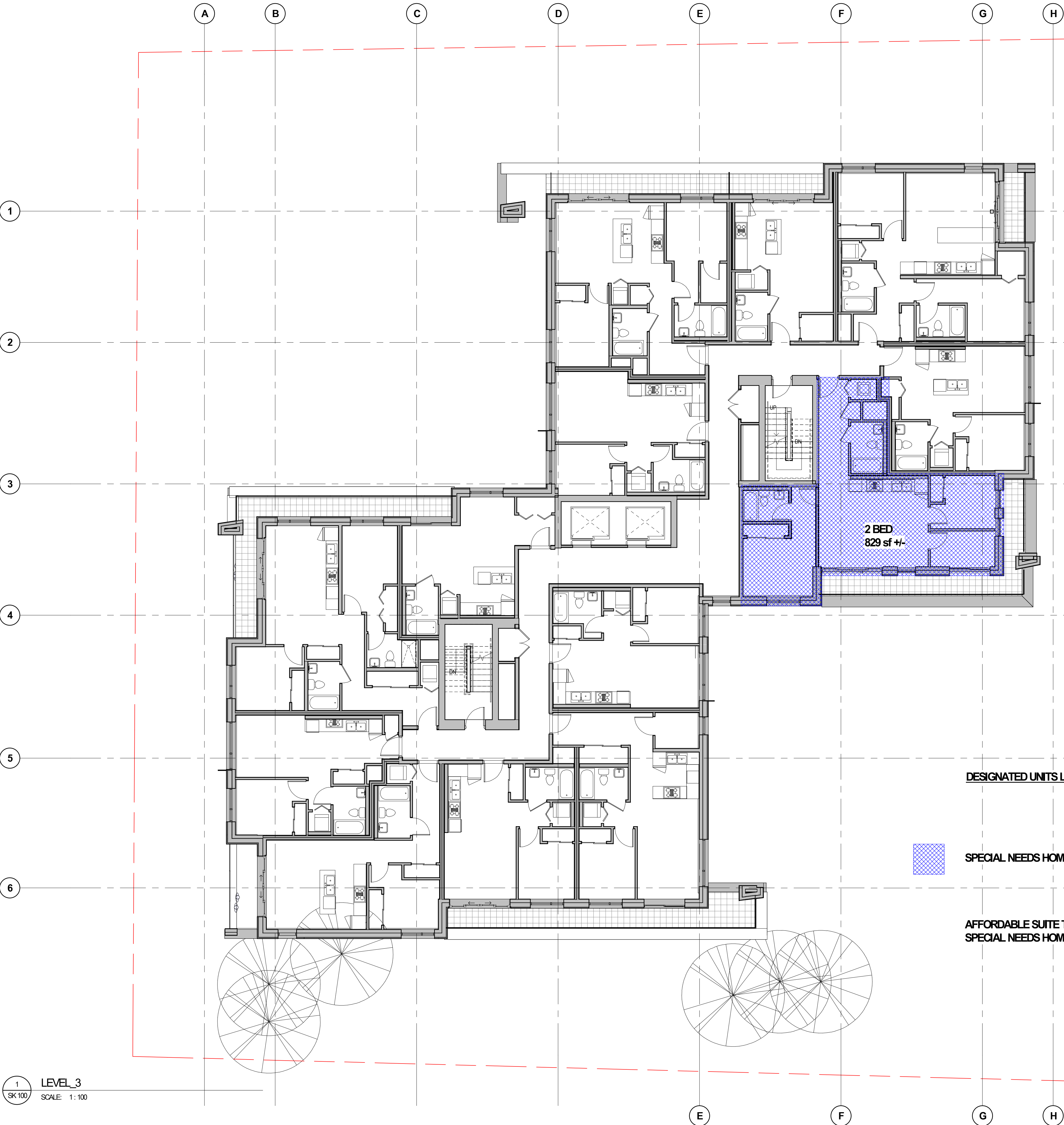
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1 LEVEL\_3  
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MECHANICAL ENGINEER

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ELECTRICAL ENGINEER

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LANDSCAPE ARCHITECT

DIALOG  
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VANCOUVER, BC V6A 1E1

CIVIL ENGINEER AND SURVEY

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ELEVATOR CONSULTANT

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PASSIVE HOUSE CONSULTANT

PEH CONSULTING  
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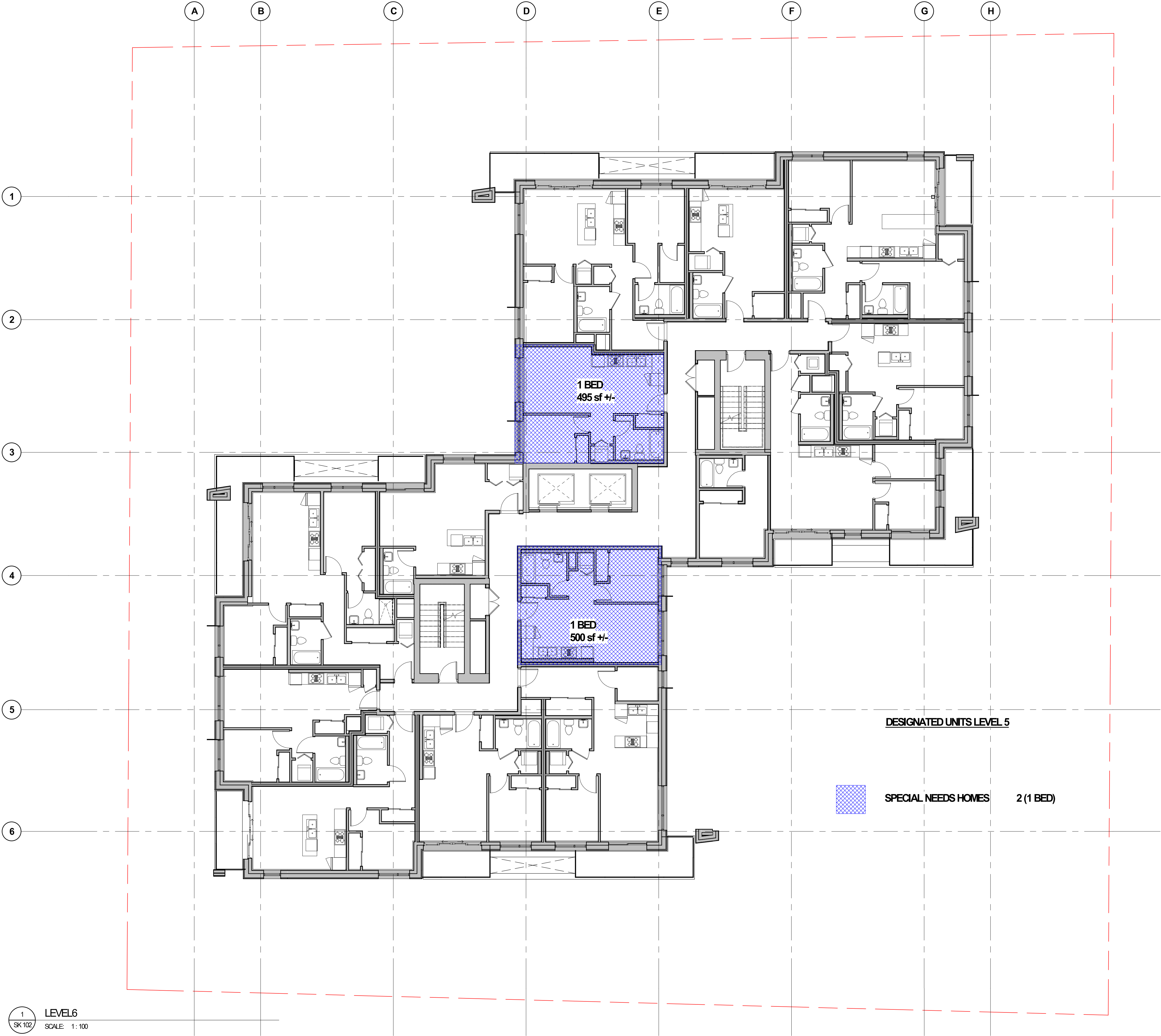
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1 LEVEL 6  
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DESIGNATED UNITS

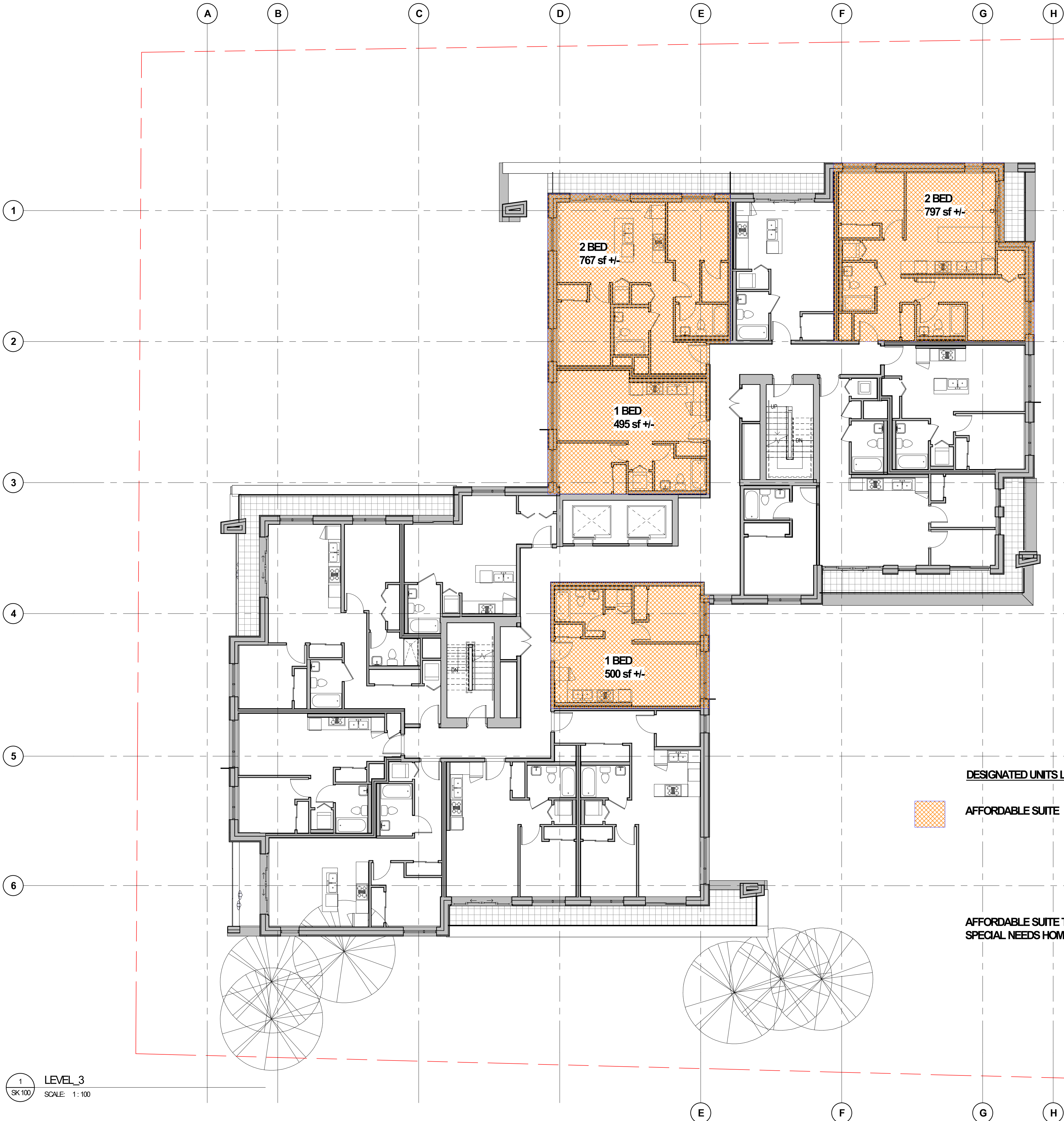
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## **Schedule B – Minimum Requirements for Special Needs Housing Units**

*[see attached]*

## SCHEDULE B

Page 1 of 7

### BASIC ADAPTABLE HOUSING

#### BASIC ADAPTABLE HOUSING

The following Basic Adaptable Housing features are required in all newly-constructed buildings serviced by an elevator containing apartment or congregate housing uses.

The requirements of Schedule "F" Section (g) do not apply to non-congregate housing apartment units smaller than 42 m (450 ft ) provided that a bathroom consistent with Section (g)(iii) of this Schedule "F" is available to all occupants within the building.

#### (A) Building Access

- i. Barrier-free access from the street shall be provided to each dwelling unit and to each type of common amenity space.
- ii. Barrier-free access from a private parking area shall be provided to each dwelling unit and to each type of common amenity space.
- iii. Access to the elevator shall be provided from both the street entry and a private parking area entry.
- iv. A covering over a level building entry area, of 1500mm by 1500mm shall be provided.
- v. No intercom user functions shall be higher than 1220mm above the finished paved area.
- vi. Wiring for an automatic door opener shall be provided at each of the required barrier-free entries.

#### (B) Doors and Doorways

- i. The minimum clear opening for all suite entry doors and doors in common areas shall be no less than 850 mm. (See Figure 1)
- ii. The minimum clear opening for all interior doors within a dwelling unit shall be no less than 800mm. (See Figure 1)
- iii. Doors in all suites and common areas shall be operable by devices that do not require tight grasping or twisting of the wrist.

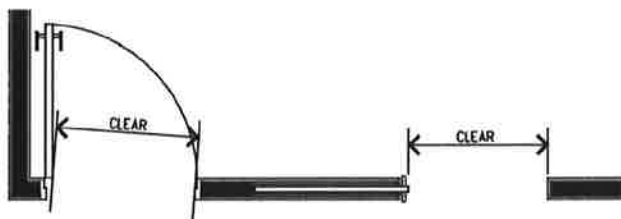


FIGURE 1 – CLEAR OPENING MEASUREMENT FROM DOORS

## BASIC ADAPTABLE HOUSING

### (C) Manoeuvring Space at Doorways

- i. Suite entry doors and door assemblies in common areas (except those which are not self-closing) shall have a clear and level area which is not less than the following:
  1. Where the door swings toward the area (pull door), 1220mm long by the width of the door plus at least 300mm clear space on the latch side. (See Figure 2)

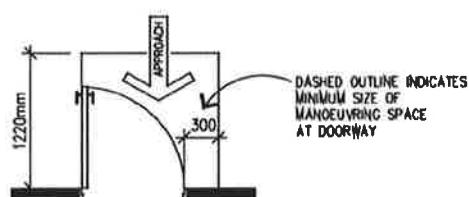


FIGURE 2 – FRONT APPROACH, PULL SIDE

2. Where the door swings away from the area (push door), 1220mm long by the width of the door plus at least 300mm clear space on the latch side. (See Figure 3)

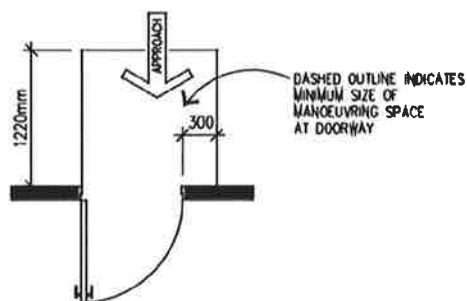


FIGURE 3 – FRONT APPROACH, PUSH SIDE

### BASIC ADAPTABLE HOUSING

3. Where there are doors in a series in common areas, there must be separation of at least 1220mm plus the width of the door. (See Figure 4)

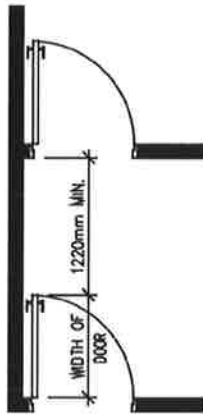


FIGURE 4 – SEPARATION OF DOORS IN SERIES

#### (D) Corridor widths

Common corridors shall be no less than 1220mm wide.

#### (E) Thresholds

Thresholds shall be kept to a minimum, and in all suites and common areas shall not exceed 13mm.

#### (F) Outlets and Switches

- i. Light switches shall be located between 1015mm and 1120mm from the floor.
- ii. Electrical outlets, cable outlets, and telephone jacks shall be located not less than 450mm from the floor.



## BASIC ADAPTABLE HOUSING

### (G) Bathrooms

- i. There shall be at least one bathroom with toilet and sink on the main entry level of each suite which provides enough floor space to be the following space requirements:
  1. Clear floor area of 760mm by 1220mm beyond the swing of the door. (See Figure 5)

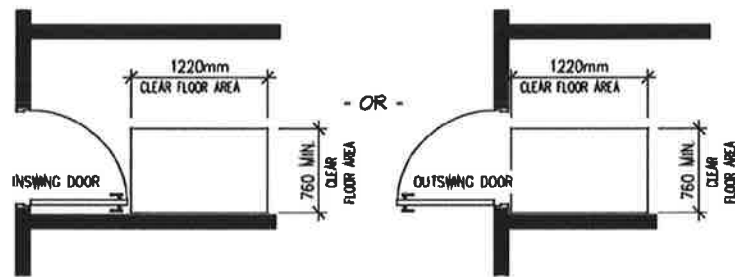


FIGURE 5 – CLEAR FLOOR AREA BEYOND SWING OF DOOR

2. Clear floor area at the tub of 760mm by 1220mm, or 1220mm by 760mm, measured from the foot end of the tub. (See Figure 6)

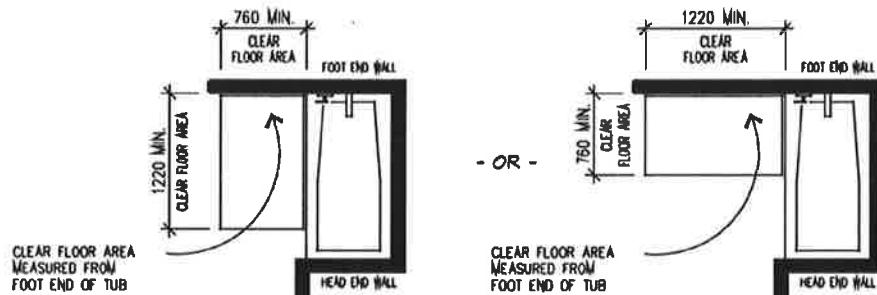


FIGURE 6 – CLEAR FLOOR AREA AT TUB

### BASIC ADAPTABLE HOUSING

3. Clear floor area at the sink of 760mm by 1220mm positioned for a parallel approach and centred on the sink. (See Figure 7)

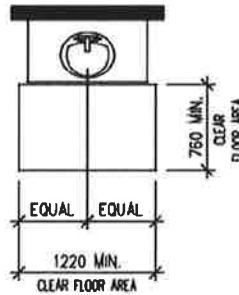


FIGURE 7 – CLEAR AREA AT SINK

4. Toilets shall meet the following space provisions: (See Figure 8)
  - a. Lateral distance from the centre line of the toilet to a bathtub or sink shall be 455mm minimum on one side and 380mm minimum on the other. Where the toilet is adjacent to a wall, the lateral distance from the centre line of the toilet to the wall shall be 455mm with 380mm minimum on the other side.
  - b. Clear floor area at the toilet of 1420mm minimum (measured from the wall behind the toilet) by 1220mm minimum (measured from a point 455mm from the centre line of the toilet on the side designated for future grab bars.)
  - c. The vanity or sink on the wall behind the toilet may overlap the clear floor required for the toilet.

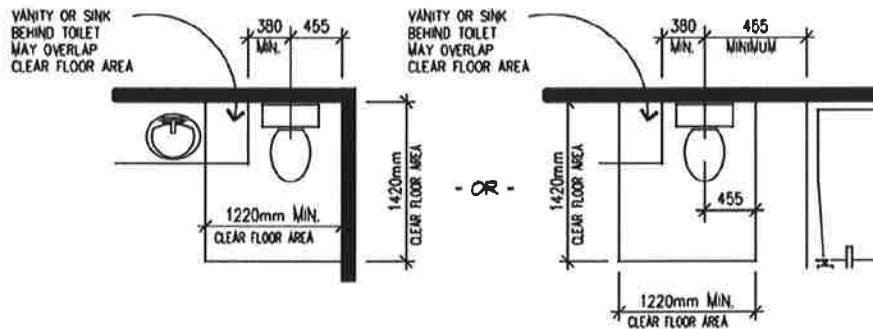
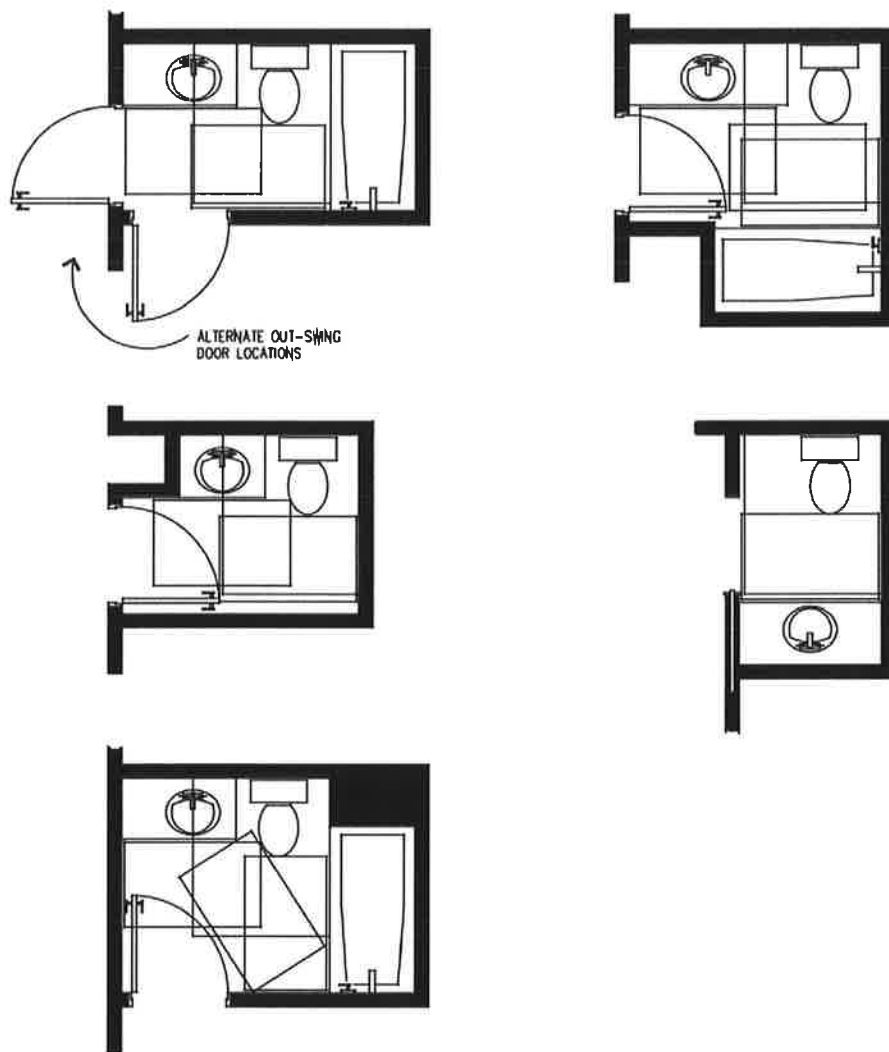


FIGURE 8 – CLEAR FLOOR AREA AT TOILET

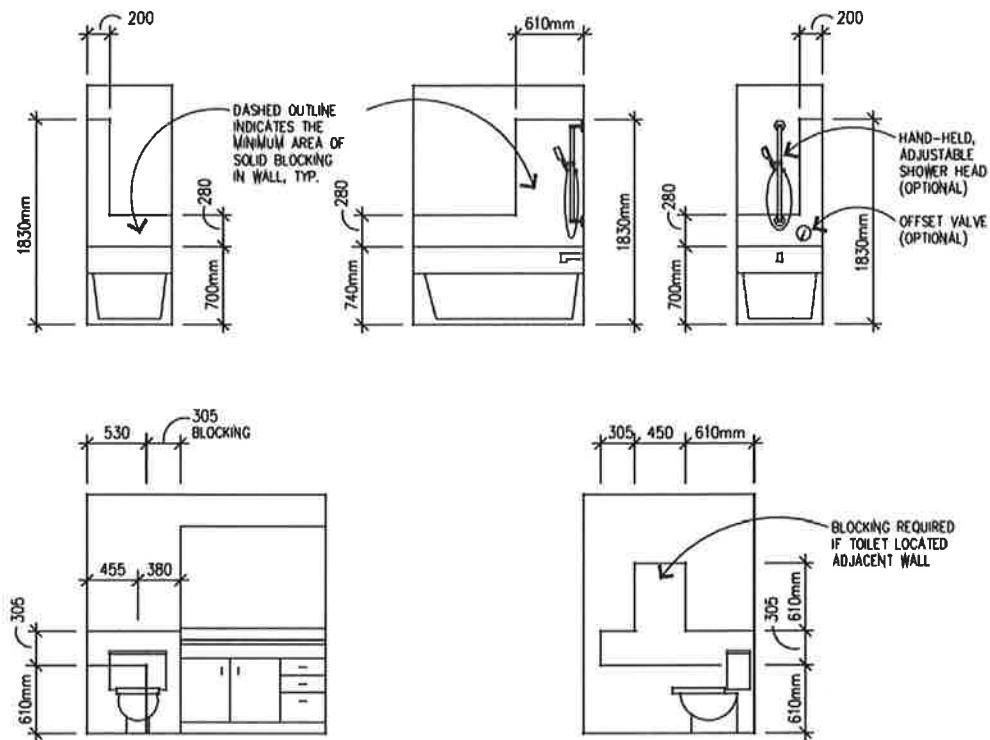
## BASIC ADAPTABLE HOUSING



**FIGURE 9 – EXAMPLES OF BATHROOMS WITH FLOOR AREA TO SUITE  
“MINIMALLY ACCESSABLE” REQUIREMENTS**

## BASIC ADAPTABLE HOUSING

- ii. Solid blocking in walls around toilets, tub/shower, and behind towel bars shall be provided in all bathrooms as illustrated in Figure 10.
- iii. Where bathrooms are provided to serve common amenity spaces, at least one shall be wheelchair accessible as described in the B.C. Building Code (1998) Sentence 3.7.4.8.(1)



### FIGURE 10 – BLOCKING REQUIREMENTS



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Staff Report

---

File #:20-408

---

### REQUEST FOR DECISION

**DATE:** August 24, 2020

Report No. DEV-20-060

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Tricia deMacedo, Policy Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Letter of Support for Zero-Emission Vehicle Awareness Initiative Grant Program

**RECOMMENDATION:**

That Council authorize the Mayor to sign the attached letter in support of the City of Victoria's and District of Saanich's grant application for the Zero-Emission Vehicle Awareness Initiative administered by Natural Resources Canada.

**RELEVANT POLICY:**

Climate Emergency Declaration  
Climate Action Charter  
Official Community Plan

**STRATEGIC RELEVANCE:**

Healthy, Liveable and Diverse Community: Develop and implement strategies that reduce impact on the environment consistent with our Climate Action Charter goals.

**BACKGROUND:**

Natural Resources Canada's Zero-Emission Vehicle Awareness Initiative supports projects that aim to increase awareness of ZEVs, and public charging and refueling infrastructure, through education and capacity-building activities to ultimately support a greater adoption of ZEVs by Canadians. The City of Victoria and the District of Saanich are preparing a grant application for the Zero-Emission Vehicle Awareness Initiative administered by Natural Resources Canada and are requesting Letters of Support for their application. Both the Federal and Provincial Governments have committed to electrification of transportation and recognize that this is a key element to decarbonizing the sector and transitioning to a low-carbon future. The City and the District have provided information in the attached letter that outlines how they would seek to increase awareness of ZEVs and charging infrastructure throughout the Capital Region. The two local governments are not requesting any financial contribution or in-kind support but there could potentially be filming in the Esquimalt area and they would like to know that the Township is supportive of a 'regional' network of EV chargers

narrative.

**ISSUES:**

1. Rationale for Selected Option

Transportation is responsible for approximately 50% of most community greenhouse gas emissions. While active transportation and public transportation are the best alternatives from a land use perspective, vehicle electrification has much greater potential for GHG reduction in the shorter term.

2. Organizational Implications

There are no organization implications.

3. Financial Implications

Victoria and Saanich are not requesting any funding or in-kind support for this project.

4. Sustainability & Environmental Implications

Any promotion of vehicle electrification in the CRD will reach Esquimalt residents and increase the likelihood of EV uptake in the municipality.

5. Communication & Engagement

Electrification of vehicles will be a key component of the Township's Climate Action Plan and our own communications and engagement strategy will be able to build upon the work started by this project, should it be successful in receiving funding.

**ALTERNATIVES:**

1. That Council authorize the Mayor to sign the attached letter in support of the City of Victoria's and District of Saanich's grant application for the Zero-Emission Vehicle Awareness Initiative administered by Natural Resources Canada.
2. That Council not authorize the signing of the attached letter of support.
3. That Council give staff alternative direction.

**Engineering &  
Public Works**

Climate Action Program

The City of Victoria  
1 Centennial Square  
Victoria  
British Columbia  
V8W 1P6

Kristie Signer  
Climate Action Outreach  
Coordinator  
[KSigner@Victoria.ca](mailto:KSigner@Victoria.ca)  
250-686-5843



August 21, 2020

Dear Intermunicipal Climate Action Working Group,

The City of Victoria and the District of Saanich with support from the Capital Regional District are submitting an application for the Natural Resources Canada [Zero-Emission Vehicle Awareness Initiative](#) grant. The objective of the grant, if successful, will be to build consumers' awareness and adoption of electric vehicles (EVs) in the Capital Region. We are seeking a Letter of Support from you as one of the municipalities/electoral areas that participate in the Intermunicipal Climate Action Working Group.

Municipalities throughout the Capital Region are committed to reducing greenhouse gas (GHG) emissions, including Victoria and Saanich as outlined in the City of Victoria's [Climate Leadership Plan](#) and the newly released [2020 Climate Plan](#) from the District of Saanich. Both plans call for increased public charging options to support the adoption of EVs. Between the District and the City, 26 new Level 2 chargers and one Direct Current (DC) fast charger are scheduled for installation with additional chargers expected in 2021. Recently, both the City of Victoria and the District of Saanich have passed requirements for 'EV readiness' in new construction. These amendments support the rapid adoption of EVs in the community, with growth rates in excess of 50 percent a year based on local EV sales. Both municipalities are also preparing EV or E-Mobility Strategies to support the further adoption of EVs in the Capital Region.

If successful in our application, the grant funds would be used to promote the new chargers as part of the growing EV charging infrastructure network in the Capital Region in a commercial that will be distributed based on the funds available. Additionally, the project will aim to increase the general knowledge of EVs, including how they operate, how charging works, and how other alternatives to fossil fuel combustion engines, such as E-bikes, are becoming more prevalent and affordable through a broader campaign that includes videos and print materials. The City of Victoria and the District of Saanich believe that this awareness campaign would be directly complementary to the work that many municipalities and electoral areas in the Capital Region have done to support the adoption of EVs and the reduction of GHG emissions. When complete, the videos and/or print materials will be available for distribution by supporting municipalities and electoral areas as allowed by the grant contract.

We anticipate that your letter of support will be required by September 1, 2020 in order to meet the grant submission deadline. Please advise if this timeline is not achievable. A draft letter of support has been attached for your convenience. We appreciate your past support and hope that we can continue to support the Capital Region's investments in building a low carbon future.

Please let me know if you have any questions or would like to discuss further.

Sincerely,

Kristie Signer, Climate Action Outreach Coordinator for the City of Victoria  
[KSigner@Victoria.ca](mailto:KSigner@Victoria.ca) 250-686-5843



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FAX: 250-414-7111  
[www.esquimalt.ca](http://www.esquimalt.ca)

September 1, 2020

Zero-Emission Vehicle Awareness Initiative  
Clean Fuels Branch  
Natural Resources Canada

Dear Natural Resources Canada Clean Fuels Branch,

On behalf of the Township of Esquimalt I am pleased to provide this Letter of Support to the City of Victoria and the District of Saanich in support of their application for your Zero-Emission Vehicle Awareness Initiative grant. I have reviewed the project scope and general proposal developed by the City of Victoria and the District of Saanich and agree in principle with the objectives of their proposal for the grant submission.

The Township of Esquimalt, in addition to the regional district, municipalities and electoral areas in the Capital Region, is committed to reducing greenhouse gas (GHG) emissions as outlined in our Official Community Plan. We are currently working on our Climate Action Plan and vehicle electrification and access to public charging stations have already been recommended as key components to reducing GHG emissions.

The resources that the City of Victoria and the District of Saanich have proposed for this grant will compliment our existing work to increase the adoption of EVs in our municipality and the Capital Region and highlight the expanding regional network of EV chargers that we have contributed to.

We are excited to support this grant application because we see many benefits to our community including increasing the number of public chargers available to those living in existing multi-family buildings that cannot be easily retrofitted. Additionally, highlighting the regional network of EV chargers will invoke confidence to both residents and visitors alike that there are EV charging options that will suit their travel needs.

Sincerely,

Mayor Barbara Desjardins  
Township of Esquimalt





# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Draft

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

### Advisory Planning Commission

---

Tuesday, June 16, 2020

7:00 PM

Esquimalt Council Chambers

---

**Present:** 6 - Chair Graeme Dempster  
Vice Chair Michael Angrove  
Member Chris Munkacsi  
Member Duncan Cavens  
Member Filippo Ferri  
Member Helen Edley

**Absent:** 1 - Member Marie Fidoe

Commission Members Michael Angrove and Helen Edley attended via conference call.

**Council Liaisons:** Councillor Meagan Brame (via conference call)  
Councillor Jacob Helliwell (via conference call)

**Staff:** Bill Brown, Director of Development Services, Staff Liaison  
Karen Hay, Planner  
Alex Tang, Planner  
Pearl Barnard, Recording Secretary

#### 1. CALL TO ORDER

Chair Dempster called the Advisory Planning Commission meeting to order at 7:02 PM.

#### 2. LATE ITEMS

There were no late items.

#### 3. APPROVAL OF THE AGENDA

Moved by Member Cavens, seconded by Member Ferri: That the agenda be approved as circulated. Carried Unanimously.

#### 4. MINUTES

1) [20-253](#) Minutes of the Advisory Planning Commission Meeting, May 19, 2020

Moved by Member Ferri, seconded by Member Munkacsi: That the minutes of the Advisory Planning Commission, May 19, 2020 be adopted as circulated. Carried Unanimously.

#### 5. STAFF REPORTS

1) [20-223](#) Zoning Text Amendment - 836 (834) Devonshire Road

(Lighthouse Brewery)  
Report No.: APC-20-004

Anthony Mazzei & Ben Thomas, Lighthouse Brewing Company provided an overview of the Zoning Text Amendment Application for 836 (834) Devonshire Road via telephone.

**Commission comments and questions included (*Response in italics*):**

\* Members liked the plan and appreciate what Lighthouse Brewing Company have done for the community over the years.

\* What feedback did you get from the residents during your neighbourhood consultation? *Generally, the feedback was positive, while many residents were not aware that a brewery existed at that location. A direct neighbouring business just wanted to ensure that this did not affect their business in regards to parking and safety around forklifts.*

\* What are the hours of operation? Currently, the tasting room is open Tuesday to Saturday from 12:00pm to 6:00pm. Typically, it would stay open till 9:00pm in the summer. With an endorsement license, it would probably be open everyday.

\* What is the reason for the restriction of a "tasting room"? *Staff advised that liquor lounges are a permitted use in some commercial zones but not a permitted use in the light industrial zone.*

\* Can we restrict that liquor lounges be connected to the manufacturing of beverage on site? *Staff advised the provincial licenses requires that they have manufacturing, and zoning would likewise tie the lounge to the manufacturing.*

Moved by Chair Dempster, seconded by Member Munkacsi:

1. That the application for rezoning, authorizing the conversion of the 'Tasting Room' at the Lighthouse Brewing Company to a 'Liquor Lounge', as illustrated in the drawings stamped Received March 2, 2020 for 836 (834) Devonshire Road [PID 000-047-341; Lot 1, Section 10, Esquimalt District, Plan 27158] be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as a liquor lounge in the Industrial Zone will support the Township's economic activity and the local business.

2. That the staff proposal to add a 50 square metre Liquor Lounge as a permitted use for every Beverage Manufacturing operation in Esquimalt be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as a liquor lounge in the Light Industrial Zone will support the Township's economic activity and local businesses. Carried Unanimously.

2) [20-278](#) Development Variance Permit Application - 955 Colville Road  
Staff Report No.: APC-20-007

Ryan Jabs, Lapis Homes Ltd. provided an overview of the Development Variance Application for 955 Colville Road via telephone.

Members expressed no concerns.

Moved by Member Munkacsi, seconded by Member Ferri: That the application for a Development Variance Permit authorizing an increase to the height of the retaining wall in the south-west corner of the property as sited on the survey plan prepared by Summit Land Surveying, the Engineering drawings by Farhill Engineering Ltd., and consistent with the architectural plans provided by T-Square Design, all stamped "Received June, 3, 2020" and including the following variance for the property located at 955 Colville Road [PID 030-922-852; Lot A, Section 10, Esquimalt District, Plan EPP96394], be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as the retaining wall is appropriate to the land use and will only be visible by those visiting the townhouse complex and not from Lampson Street.

Zoning Bylaw, 1992, No. 2050, Section 67.99 (12)(a) Retaining Walls: A 0.5 metre increase to the permitted height of a retaining wall provided they are located within 4.3 of the Rear Lot Line [i.e. from 1.5 metres to 2.0 metres]. Carried Unanimously.

**3) [20-292](#) Development Permit and Development Variance Permit - 923 Craigflower Road, Staff Report No. APC-20-009**

Matthew H. Smith, Inner Vision Design and Mark Ollerton, owner provided an overview of the Development Permit and Development Variance Permit Application for 923 Craigflower Road via telephone.

**Commission comments and questions included (*Response in italics*):**

- \* Members praised the design as it compliments the existing house.
- \* The proposal will be a nice addition to the neighbourhood. Members liked that the applicant is preserving an arts and crafts house in the area.
- \* Is the lot next door part of the 874 Fleming Street project? No, it is a vacant lot, zoned medium density residential
- \* Members liked the native species plantings.
- \* Members had mixed opinions about the variances requested. Some members felt that the applicant has done a good job of siting the building as variances would be required due to the unique shape of the lot. Others felt that the magnitude of the variances is too much and the justification for the variance wasn't sufficient. The applicant's desire to have more cars contradicts with the guidelines in the natural environment development permit area.
- \* Members thought that the impact on neighbouring properties would be lesser since they are not Single Family Homes.

Moved by Member Ferri, seconded by Member Cavens: That the application for a Development Permit and a Development Variance Permit, authorizing construction of a detached garage as illustrated in the plans prepared by Matthew Smith representing Inner Vision Design, stamped "Received April 30, 2020" and sited in accordance with the BC Land Surveyor's Site Plan prepared by Explorer Land Surveying, stamped "Received May 6, 2020", and including the following variances for the

property located at 923 Craigflower Road [PID 003-795-284 Lot D, Section 10, Esquimalt District, Plan 1027] be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as the proposal fits in with the neighbourhood and the variances will not impinge on the residents on adjacent properties.

Zoning Bylaw, 1992, No. 2050, Section 34 (6)(b) - Building Height: A 1.0 metre increase to the requirement that no Accessory Building shall exceed a Height of 3.6 metres [i.e. from 3.6 metres to 4.6 metres].

Zoning Bylaw, 1992, No. 2050, Section 34 (8)(b) - Lot Coverage: A 1.3% increase to the requirement that all Accessory Buildings and Structures combined, shall not cover more than 10% of the Area of a Parcel [i.e. from 10% to 11.3%].

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(i) - Siting Requirements - Principal Building: A 5.0 metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of the Front Lot Line [i.e. from 7.5 metres to 2.5 metres].

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(ii) - Siting Requirements - Accessory Building: A 0.5 metre reduction to the requirement that no Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line [i.e. from 1.5 metres to 1.0 metre].

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(iii) - Siting Requirements - Accessory Building: A 0.5 metre reduction to the requirement that no Accessory Building shall be located within 1.5 metres of a Rear Lot Line [i.e. from 1.5 metres to 1.0 metre].

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(iv) - Siting Requirements - Accessory Building: A 0.8 metre reduction to the requirement that no Accessory Building shall be located within 2.5 metres of a Principal Building [i.e. from 2.5 metres to 1.7 metres].

Parking Bylaw, 1992, No. 2011, Section 14 (1) - Dimensions of Off-Street Parking Spaces: A 0.4 metre reduction to the requirement that Parking Spaces provided in conjunction with any single family or two family land use shall be a minimum of 2.6 metres wide by 5.5 metres deep provided that up to 50% of the total required Parking Spaces may be design for small cars by reducing the depth of the stall to 4.5 metres [i.e. from 2.6 metres wide to 2.2 metres wide]. Motion Carried

In Favour: 5 - Chair Graeme Dempster, Member Chris Munkacsi, Member Duncan Cavens, Member Filippo Ferri and Member Helen Edley

Opposed: 1 - Vice Chair Michael Angrove

Absent: 1 - Member Marie Fidoe

4) [20-276](#) Development Permit and Development Variance Permit Application - 1085 and 1093 Gosper Crescent

Natalie Saunders, Java Designs provided an overview of the Development Permit

and Development Variance Permit Application for 1085 and 1093 Gosper Crescent via telephone.

**Commission comments and questions included (*Response in italics*):**

- \* Member noted that there may be daylight shading concerns with the rear setback, but it was also noted that the topography slopes upward such that the effect would be minimized. Furthermore, the variance to the rear setback is internal to the proposed development.
- \* Members had mixed opinion about the placement of the parking space in the front of the house and the parking variance as some thought it was appropriate while others had concerns with the spillover.
- \* Member noted that the parcel size is more than adequate as a variance for minimum parcel size would not be required in several neighbouring municipalities.
- \* The proposed house is incongruent to the larger homes and lots in the neighbourhood. Concerns with the streetscape, as the design of the house doesn't fit in with the 1970s houses with carports.
- \* Concern that mature trees will be removed.

Moved by Vice Chair Angrove, seconded by Member Munkacsi:

1. That the application for a Development Permit for a new single family dwelling, consistent with the architectural plans and landscape plan provided by Java Designs, both stamped "Received June 9, 2020", and sited in accordance with the surveyor's site plan provided by James Worton, B.C.L.S., stamped "Received May 26, 2020" as part of a 3-lot subdivision that includes 2 existing single family dwellings be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as the variances are relatively minor and would not be variances in other Municipalities in the region.

2. That the Development Variance Permit including the following variances to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, specifically for the proposed Lot 'B' as delineated in the surveyor's site plan provided by James Worton, B.C.L.S., stamped "Received May 26, 2020" for the properties located at PID 005-164-194, Lot 1, Block 1, Section 10, Esquimalt District, Plan 11214 [1085 Gosper Crescent] and PID 005-916-445, Lot 40, Section 10, Esquimalt District, Plan 5726 [1093 Gosper Crescent] be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as the variances are relatively minor and they would not be variances in other Municipalities in the region.

Zoning Bylaw, 1992, No. 2050, 34 (2) - Parcel Size: Reduction for the minimum Parcel Size for Parcels created by subdivision from 530.0 square metres to 472.0 square metres.

Zoning Bylaw, 1992, No. 2050, 34 (9)(a)(iii) - Rear Setback: A 3.5 metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line. [i.e. from 7.5 metres to 4.0 metres]

Zoning Bylaw, 1992, No. 2050, 34 (2) - Area, Shape and Dimension of

Lots: Exemption from the prohibition that no subdivision shall be created in any Zone so that any Parcel created by the subdivision has an area or dimension less than that set out for the Zone in which it is located as specified in the Zoning Bylaw

Parking Bylaw, 1992, No. 2011, (9)(4) - 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.

Parking Bylaw, 1992, No. 2011, 13 (1)(i) - Number of Off-Street Parking Spaces: Specifically for Lot B, a reduction of required parking spaces from 1 space per dwelling unit to 1 space for a single family dwelling and its corresponding secondary suite. Carried.

In Favour: 5 - Vice Chair Michael Angrove, Member Chris Munkacsi, Member Duncan Cavens, Member Filippo Ferri and Member Helen Edley

Opposed: 1 - Chair Graeme Dempster

Absent: 1 - Member Marie Fidoe

5) [20-287](#) Development Permit Application - 485 Head Street, Staff Report No. APC-20-008

Deborah Douez, owner provided an overview of the Development Permit Application for 485 Head Street via telephone.

**Commission comments and questions included (*Response in italics*):**

\* Is this a Bed and Breakfast? *The property has been used in the past as a Bed and Breakfast and has a current Business License to operate one; however, it, has not been used as a Bed & Breakfast for the last 6 months.*

\* Is there a difference between a Bed and Breakfast and a house with a secondary suite? *Staff provided the definition of a Bed and Breakfast.*

\* In terms of allowing a variance to something that is considered hazardous, what are its legal implications? Staff advised that a variance is not being considered here and that this proposed renovation does not change the habitable area.

\* Is the APC only considering this application because it is in the Tsunami zone? Yes.

Moved by Chair Dempster, seconded by Member Ferri: That the application for a Development Permit for the Protection of Development From Hazardous Conditions for a proposed front porch and deck be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as the proposal will improve the appearance of the house and the tsunami zone is not material to the changes being proposed as the house already exist. Carried Unanimously.

6) [20-277](#) Development Variance Permit Application - 856 Isbister Street, Staff Report No. APC-20-006

Devin Perfect, owner provided an overview of the Development Variance Permit Application 856 Isbister Street via telephone.

**Commission comments and questions included (*Response in italics*):**

- \* Concerns with the lack of windows for a recreation room. *There are two windows, one at the side and one at the front and there is also a skylight in the stairway.*
- \* Township of Esquimalt needs to review the Parking Bylaw.
- \* Could you park a car beside the carport? *The area is fenced off and is used as a secure storage area.*

Moved by Member Cavens, seconded by Chair Dempster: That the application for a Development Variance Permit including the following variance to Parking Bylaw, 1992, No. 2011 for the property located at PID 002-702-193, Lot 5, Section 2, Esquimalt District, Plan 27374 except that part in Plan 916 BL [856 Isbister Street] be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as it codifies how the current parking configuration is on the parcel.

Parking Bylaw, 1992, No. 2011, (9)(4) - 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. Carried Unanimously.

- 7) [20-297](#) Proposed Text Amendment to Zoning Bylaw, 1992, No. 2050 Section 67.100 (4) Comprehensive Development District No. 114 [CD No. 114] 1198 Munro Street

Bryon Rotgans provided an overview of the Proposed Text Amendment to Zoning Bylaw, 1992, No. 2050 Section 67.100 (4) CD 114 for 1198 Munro Street via telephone.

**Commission comments and questions included (*Response in italics*):**

- \* Could the property be subdivided again? *Staff advised the S. 219 convent only allows 2 lots.*

Moved by Chair Dempster, seconded by Member Munkacsi: That the application to amend Section 67.100 (4) of the Zoning Bylaw, 1992, No. 2050, that would increase the density of the number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in the CD No. 114 Zone from a limit of two [2], for a minimum density of one [1] unit per 357 square metres to a limit of three [3], for a minimum density of one [1] per 290 square metres be forwarded to Council with a recommendation by the Advisory Planning Commission to approve as this formalizes an oversight while this constitutes no change to what was proposed during the rezoning application. Carried Unanimously.

## 6. ADJOURNMENT

The Advisory Planning Commission meeting adjourned at 8:50 PM.

\_\_\_\_\_  
GRAEME DEMPSTER, CHAIR  
ADVISORY PLANNING COMMISSION  
THIS    DAY OF            , 2020

\_\_\_\_\_  
RACHEL DUMAS, CORPORATE OFFICER  
CERTIFIED CORRECT





# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Draft

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

### Environmental Advisory Committee

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Thursday, July 23, 2020

7:00 PM

Esquimalt Council Chambers

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**Present**     7 - Chair Brian Cant  
Vice Chair Francois Brassard  
Member Waheema Asghar  
Member Louise Blight  
Member Eleanor Calder  
Member Meredith James  
Member Shona Redman

**Absent**     2 - Member Paul Helston  
Member Rebecca Wolf Gage

Committee members Waheema Asghar, Shona Redman and Louise Blight attended via conference call.

**Council Liaisons:** Councillor Lynda Hundleby (via conference call)  
Councillor Ken Armour

**Staff:** Bill Brown, Director of Development Services  
Tricia deMacedo, Staff Liaison  
Deborah Liske, Recording Secretary

#### 1. CALL TO ORDER

Tricia deMacedo, Staff Liaison called the Environmental Advisory Committee meeting to order at 7:02 PM.

#### 2. LATE ITEMS

The following late items were added to the agenda:

- \* Add OTHER BUSINESS - CONTINUED as Item 9 to the agenda and renumber agenda accordingly.
- \* Add to Item 9. OTHER BUSINESS - CONTINUED 6) Update on Review of Tree Protection Bylaw
- \* Add to Item 9. OTHER BUSINESS - CONTINUED 7) Esquimalt Climate Organizers Project - Implementation of Climate Action Plan

#### 3. APPROVAL OF THE AGENDA

Moved by Member Calder, seconded by Chair Cant: That the agenda be approved as amended with the inclusion of the late agenda items. Carried Unanimously.

#### 4. INTRODUCTIONS

Committee members provided brief introductions.

## 5. ELECTIONS

### 1) [20-363](#) Election of Chair and Vice Chair

Ms. deMacedo opened the floor to nominations for Chair. Brian Cant was the only nomination received for the role of Chair and was appointed to the position of Chair of the Environmental Advisory Committee by acclamation.

Ms. deMacedo opened the floor to nominations for Vice Chair. Francois Brassard was the only nomination received for the role of Vice Chair and was appointed to the position of Vice Chair of the Environmental Advisory Committee by acclamation.

Chair Cant assumed the role of Chair.

## 6. MINUTES

### 1) [20-364](#) Minutes of the Environmental Advisory Committee meeting, May 28, 2020

Moved by Vice Chair Brassard, seconded by Member Calder: That the minutes of the Environmental Advisory Committee, May 28, 2020 be adopted as circulated. Carried Unanimously.

## 7. OTHER BUSINESS

### 1) [20-365](#) Council Policies

### 2) [20-366](#) Council Strategic Priorities and Goals 2019 - 2023

Ms. deMacedo noted the Council Policies and Council Strategic Priorities and Goals were provided for information.

### 3) [20-368](#) Agenda Items and Distribution

Ms. deMacedo reviewed agenda distribution.

### 4) [20-369](#) Meeting Schedule Dates and Times

Ms. deMacedo noted the committee will meet as required on the fourth Thursday of the month from 7:00 - 9:00 PM in the Council Chambers or on an alternate date as deemed necessary to complete the business of the committee. No meetings will be scheduled in July, August or December.

### 5) [20-370](#) Committee Orientation Presentation

Ms. deMacedo noted the Committee Orientation presentation was provided for information.

## 8. STAFF REPORTS

### 1) [20-360](#) Integrated Resource Management Referral - Staff Report EAC-20-003

Graeme Bethell and Chris Corps, Pivotal IRM Inc. provided a presentation via conference call and responded to questions from the committee. Presenters responses in italics.

- \* Energy source for plant. *Garbage and yard and garden waste from possibly both municipal and private haulers will be gasified to fuel plant.*
- \* What will happen to carbon produced? *Biochar created through the process can be sold for various purposes such as carbon filters etc.*
- \* Resource for solid waste. *Municipal solid waste stream.*
- \* Will mandatory connection be required to make project viable? *Consumer of byproduct will be needed.*
- \* More information needed on district energy proposal for review during public consultation phase.
- \* Digestion vs. gasification. *Gasification 100% more efficient than digestion; digestion does not include all products; gasification can process contaminated materials.*

Councillor Armour provided the committee with an overview of Council's progress with the project.

Committee members discussed after presenters departed conference call. Additional comments included (with response from staff and Council Liaison in italics):

- \* Benefit to residents? *Benefit of \$360 per year per household.*
- \* Funding source. *Upfront capital investment by municipality.*
- \* Closed loop system will be beneficial.
- \* Public engagement, strong visuals with explanations will be needed especially regarding financial details.

Moved by Member James, seconded by Vice Chair Brassard: That the Environmental Advisory Committee recommends that Council request that the consultant ensure the public engagement materials include strong visuals of the proposed system including the district energy component and more clearly explain the revenue sources and their degree of certainty. Carried Unanimously.

2) [20-356](#) Climate Adaptation Plan Progress Report - Staff Report EAC-20-002

Ms. deMacedo provided a brief review and update on the Climate Adaptation plan and requested committee members to provide any final input by July 31st, 2020.

Committee comments (staff response in italics):

- \* How are issues prioritized such as tree planting. *Climate mitigation plan also being developed and will be rolled out with the Adaptation plan. Actions which serve both for mitigation and for adaptation, such as tree planting, will move up the list for priority implementation.*
- \* Climate change framework and urban forest considerations need to be integrated in decision making process for bio-diversity in municipal projects.
- \* City of Victoria has good reference materials for parking space removal / tree retention.

## 9. OTHER BUSINESS - CONTINUED

**6) 20-390 Update on Review of Tree Protection Bylaw**

A committee member requested an update on the request for a review of the municipal Tree Protection Bylaw. Staff will follow up and report back to the committee.

**7) 20-391 Esquimalt Climate Organization Project - Implementation of Climate Action Plan**

Vice Chair Brassard reviewed a proposed project of the Esquimalt Climate Organizers for consideration by the Environmental Advisory Committee for the implementation of the Climate Action Plan. The Recording Secretary advised Vice Chair Brassard to have the Esquimalt Climate Organizers request the opportunity to make a presentation to Council to request Council and the Environmental Advisory Committees support for the project.

**10. ADJOURNMENT**

Moved by Chair Cant, seconded by Member James: That the Environmental Advisory Committee meeting be adjourned at 9:02 PM. Carried Unanimously.

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BRIAN CANT, CHAIR  
ENVIRONMENTAL ADVISORY  
COMMITTEE  
THIS DAY OF , 2020

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RACHEL DUMAS, CORPORATE OFFICER  
CERTIFIED CORRECT