



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Draft

### Council

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

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Monday, June 25, 2018

7:00 PM

Esquimalt Council Chambers

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Councillor Morrison via conference call.

**Present:** 7 - Mayor Barbara Desjardins  
Councillor Meagan Brame  
Councillor Beth Burton-Krahn  
Councillor Lynda Hundleby  
Councillor Olga Liberchuk  
Councillor Susan Low  
Councillor Tim Morrison

**Staff:** Jeff Miller, Acting CAO and Director of Engineering & Public Works  
Bill Brown, Director of Development Services  
Anja Nurvo, Director of Corporate Services  
Lui Carvello, Registered Professional Planner  
Rachel Dumas, Recording Secretary

#### 1. CALL TO ORDER

Mayor Desjardins called the Regular Council meeting to order at 7:01 PM.

Mayor Desjardins acknowledged with respect that we are within the Traditional Territories of the Esquimalt and Songhees First Nations. Mayor Desjardins encouraged attendance at the Opening Night of Memorial Park Music Fest on June 26 starting at 5:30 PM.

#### 2. LATE ITEMS

The following late item was added to the agenda:

- (1) Pertaining to Agenda Item 6. **PUBLIC HEARING:** (3) Rezoning Application  
- 669 Constance Avenue, "Corvette Landing", Staff Report DEV-18-034:  
\* Email from Lorne Argyle dated June 25, 2018, Re: Gordon  
Argyle Accessibility Comments

#### 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 item. Carried Unanimously.

#### 4. MINUTES

- 1) [18-286](#) Minutes of the Special Meeting of Council, June 11, 2018
- 2) [18-287](#) Minutes of the Regular Meeting of Council, June 11, 2018

Moved by Councillor Liberchuk, seconded by Councillor Hundleby: That the Minutes of the Special Meeting of Council, June 11, 2018 and Minutes of the Regular Meeting of Council, June 11, 2018 be adopted as circulated. Carried Unanimously.

## **5. STAFF REPORTS**

### ***Development Services***

- 1) [18-285](#) Adoption of Rezoning and OCP Amendment Bylaws 2913 and 2914 - 1052 Tillicum Road, Staff Report DEV-18-046

Moved by Councillor Hundleby, seconded by Councillor Liberchuk: That Council resolves that Official Community Plan Bylaw, 2006. No. 2646 Amendment Bylaw No. 2913, attached as Appendix A to Staff Report DEV-18-046, which would amend Official Community Plan Bylaw, 2006, No. 2646 by changing the Land Use Designation and relevant Development Permit Area of PID 001-863-185, Lot C, Section 10, Esquimalt District, Plan 11683 [1052 Tillicum Road] shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2913, from Single and Two-Unit Residential to Townhouse Residential and from Development Permit Area No. 5, Enhanced Design Control Residential, to Development Permit Area No. 1, Multi-Unit Residential, be adopted; and

That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2914, attached as Schedule 'B' to Staff Report DEV-18-046, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of PID 001-863-185, Lot C, Section 10, Esquimalt District, Plan 11683 [1052 Tillicum Road] shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2914 from RD-1 [Two Family Residential] to CD No. 106 [Comprehensive Development District No. 106], be adopted. Carried Unanimously.

- 2) **PUBLIC INPUT on Development Permit Application - 1052 Tillicum Road**

Mayor Desjardins called three times for public input and there was none.

- 3) [18-272](#) Development Permit Application - 1052 Tillicum Road, Staff Report DEV-18-043

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk: That Council resolves that Development Permit No. DP000100, attached as Appendix A to Staff Report DEV-18-043, authorizing the form and character of the proposed development of five townhouse residential units contained in two detached buildings that are consistent with the architectural plans provided by Zebra Design, the Landscape Plan by LADR Landscape Architects and sited as detailed on the Land Surveyor's Site Plan prepared by Alan Powell, B.C.L.S, all stamped "Received April 5, 2018", be approved, and staff be directed to issue the permit (subject to receipt of the required landscape security) and register the notice on the

title of the property located at 1052 Tillicum Road [PID 001-863-185; Lot C, Section 10, Esquimalt District, Plan 11683]. Carried Unanimously.

4) [18-292](#) Adoption of the new Official Community Plan, Staff Report DEV-18-047

Moved by Councillor Hundleby, seconded by Councillor Brame: 1) That having considered that there are no effects on the Financial Plan, Waste Management Plans, or the Agricultural Land Commission Provisions, with respect to the following and previous amendments, Council rescinds Third Reading and reads anew Official Community Plan Bylaw, 2018, No. 2922 at Third Reading with the following amendments:

- a. In Section 5.3, the first policy at the top of page 28 the phrase "high-rise residential" is amended to read "high-density residential";
- b. In Section 5.2, the second policy at the top of page 28 the term "must" is changed to "should" so that it reads as follows: "Buildings with shallow setbacks should stepdown to no more than three storeys at street level in order to provide an appropriate human scale along the sidewalk."
- c. In Section 6.1, the phrase "can be considered for commercial zoning" is amended to read "should not be considered for commercial zoning".

2. That Council adopt Official Community Plan Bylaw, 2018, No. 2922 attached as Schedule A to Staff Report DEV-18-047. Carried.

In Favour: 4 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, and Councillor Morrison

Opposed: 3 - Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Low

Director of Development Services left the meeting at 7:23 PM.

5) **PUBLIC INPUT on Housing Agreement Bylaw - 669 Constance Avenue, "Corvette Landing"**

David Allen, *non-resident*, in favour of development with accessible units.

Marilyn Day, *resident*, in support of housing agreement.

6) [18-282](#) Housing Agreement Bylaw - 669 Constance Avenue, "Corvette Landing", Staff Report DEV-18-045

Registered Professional Planner responded to questions from Council.

Moved by Councillor Liberchuk, seconded by Councillor Brame: That Council resolves that Housing Agreement Bylaw, 2018, No. 2937, attached as Appendix A of Staff Report DEV-18-045, for 669 Constance Avenue, be given first, second, and third readings. Carried.

In Favour: 6 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, Councillor Liberchuk, Councillor Low, and Councillor Morrison

Opposed: 1 - Councillor Burton-Krahn

## 6. PUBLIC HEARING

*The Public Hearing is to afford all persons who deem their interest in property affected by the Bylaw an opportunity to be heard or to present written submissions before the Municipal Council on matters contained in the Bylaw.*

- 1) [18-288](#) Notice of Public Hearing - Rezoning Application, 669 Constance Avenue

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

- 3) **Registered Professional Planner - Overview of Application**

Registered Professional Planner provided an overview of application and revised amenity package, and responded to questions from Council.

- a) [18-283](#) Rezoning Application - 669 Constance Avenue, "Corvette Landing", Staff Report DEV-18-034

- 4) **Applicant or Authorized Representative - Overview of Application**

Troy Grant, *applicant*, provided an overview of revised application, presented a PowerPoint Presentation and responded to questions from Council.

- 5) **Public Input**

Sheila Webster, *resident*, in support of high density buildings in community and suggested additional crosswalks and eliminate street parking on south side of street Astle St.

Christina Hollands, *resident*, opposed to development due to height and location of structure and impact to view and lack of sunlight.

Steven Jakes, *resident*, opposed to high density development and expressed concerns regarding lack of sunlight, increased traffic flow, height of building and impact to neighbourhood.

Sally Tun, *resident*, expressed concerns with lack of accessible units, advertising of proposed of units and sound proofing in wood framed buildings.

Shawn Grotenhuis, *resident*, opposed to this type of construction and height of building.

Chris Edley, *Chamber of Commerce*, in support of development that will benefit the community by reducing the volume of traffic and create more housing.

Rory O' Byrne, *non-resident*, in support of development and increased housing in the region.

Doug Scott, *resident*, expressed parking concerns.

Arnie Rabay, *non-resident*, in support of development and believes it's a good fit for the community including transportation options for new residents.

Sally Tun, *resident*, opposed to a 12 storey building and believes it will not solve the affordable housing crisis; expressed concerns with construction requirements and set backs.

Sheila Webster, *resident*, already similar types of multi -family housing in the neighbourhood.

Christina Hollands, *resident*, expressed concerns with impact to landscaping when

underground hydro lines are installed.

Steven Jakes, *resident*, expressed concerns with cost of underground hydro line installation and financial impact to residents.

Christina Hollands, *resident*, expressed privacy concerns.

Sally Tun, *resident*, expressed concerns regarding the size of the units and fit for the neighbourhood.

## **6) Adjournment of Hearing**

Mayor Desjardins declared the Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915, closed at 8:31 PM.

## **7) Consideration of Staff Recommendation**

Moved by Councillor Brame, seconded by Councillor Liberchuk: 1. That Council, upon considering the comments made at the Public Hearings, resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2915, attached to Staff Report DEV-18-034 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 669 Constance Avenue [PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107], shown cross-hatched on Schedule 'A' of Amendment Bylaw No. 2915, from a mix of RM-1 [Multiple Family Residential] and RM-4 [Multiple Family Residential] Zone to CD No. 107 [Comprehensive Development District No. 107], 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-18-034, the applicant has voluntarily agreed to register a Section 219 Covenant, and Council has accepted it as a condition of rezoning, on the title of 669 Constance Avenue [PID 030-431-026, Lot 1, Suburban Lots 43 and 44, Esquimalt District, Plan EPP76107] 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:

- Pre-construction of 10 units with accessibility features as detailed in Schedule 'B' of the draft Section 219 Covenant [Appendix L]. Such units are to be sold to individuals with special needs, as evidenced by the appropriate Federal or Provincial ministry or agency, within an initial 90 day listing period, as secured by a Housing Agreement [Appendix M]
- Provision of rentals to be allowed by the future strata corporation of the subject property, as secured by Housing Agreement [Appendix M]
- Passive House Certification be achieved for the proposed building, with security in the amount of \$1,000,000 to be used for amenities for the neighbourhood to be determined by the Township of Esquimalt if certification is not achieved
- Prior to construction with combustible materials, the burying of the hydro lines

- a. directly in front of the proposed development on Admirals Road; and
- b. on Constance Avenue from Astle Street to the north end of Constance Avenue with the ability to consider alternative measures proposed by the owner, at their cost, in the Township's and the Fire Chief's sole discretion.
- Construction of a sidewalk on the eastern side of Constance Avenue from the subject property to Astle Street
- Construction of a sidewalk on the northern side of Astle Street from Admirals Road to Constance Avenue
- The planting of three boulevard trees on the east side of Constance Avenue as illustrated in the landscape plan, attached as Appendix C to Staff Report DEV-18-034
- Removal and/or upgrade of the existing fence, the planting of three boulevard trees and public parking improvement on the west side of Constance Avenue as illustrated in the landscape plan, attached as Appendix C to Staff Report DEV-18-034
- Eight visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-034
- Contribution of \$75,000 towards the Township's Public Art Reserve Fund
- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- The building to be constructed to include:
  - a. Six 3-bedroom dwelling units;
  - b. 43 2-bedroom dwelling units;
  - c. 27 1-bedroom dwelling units;
  - d. Seven studio dwelling units; and
  - e. a glass façade at street level that would allow views of the exterior courtyard from Admirals Road
- Provision of fire hydrants in front of the subject property on Constance Avenue and Admirals Road prior to construction.

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a S.219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, and the required Housing Agreement and its associated bylaw are prepared and advanced to third reading, prior to returning Amendment Bylaw No. 2915 to Council for consideration of adoption. Carried.

In Favour: 5 - Mayor Desjardins, Councillor Brame, Councillor Hundleby, Councillor Liberchuk, and Councillor Morrison

Opposed: 2 - Councillor Burton-Krahn, and Councillor Low

Councillor Morrison left the meeting at 8:50 PM.

Moved by Councillor Brame, seconded by Councillor Hundleby: That the meeting recess for 5 minutes. Carried Unanimously.

The meeting recessed at 8:50 PM and reconvened at 8:56 PM.

Director of Development Services returned to the meeting at 8:56 PM.

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

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

Mayor Desjardins called three times for public input and there was none.

**8. STAFF REPORTS**

***Administration***

- 7) [18-243](#) 2017 Annual Report, Staff Report ADM-18-020

Moved by Councillor Liberchuk, seconded by Councillor Hundleby: That Council adopt the Township of Esquimalt 2017 Annual Report as attached to Staff Report ADM-18-020. Carried Unanimously.

***Development Services***

- 8) [18-284](#) Zoning Text Amendment - 1182 Colville Road, Unit 15, Staff Report DEV-18-044

Moved by Councillor Burton-Krahn, seconded by Councillor Liberchuk: That Council resolves that Bylaw No. 2931, attached as Appendix A to Staff Report DEV-18-044, which would amend Zoning Bylaw, 1992, No. 2050, Comprehensive Development District No. 57, located at 1182 Colville Road, [PID 026-875-683; Strata Lot 15, Section 10, Esquimalt District Strata Plan VIS6147 Together With An Interest In The Common Property In Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V] by amending the zoning regulations to allow additional commercial uses at the subject location, be given first and second reading; and

That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2931, and to advertise for same in the local newspaper. Carried Unanimously.

***Engineering and Public Works***

- 9) [18-293](#) Demolition Project Tender Award for 1237-1243 Esquimalt Road, Staff Report EPW-18-024

Mayor Desjardins declared a conflict of interest and left the meeting at 8:57 PM. Councillor Burton-Krahn assumed the Chair. Director of Engineering and Public Works responded to questions from Council.

Moved by Councillor Low, seconded by Councillor Brame: That the Contract for the Demolition of 1237 - 1243 Esquimalt Road be awarded to Ralmax Contracting Ltd. for \$194,000 (not including GST). Carried Unanimously.

Mayor Desjardins returned to the meeting and resumed the Chair at 9:01 PM.

**9. BYLAWS**

- 1) [18-279](#) Council Procedure Bylaw No. 2715, 2009, Amendment Bylaw [No. 3], 2018, No. 2930 - For Adoption

Moved by Councillor Brame, seconded by Councillor Liberchuk: That Council Procedure Bylaw No. 2715, 2009, Amendment Bylaw [No. 3], 2018, No. 2930 be adopted as circulated. Carried Unanimously.

**10. MAYOR'S AND COUNCILLORS' REPORTS**

- 1) [18-277](#) AVICC 2018 Conference, Councillor Meagan Brame
- 2) [18-278](#) Federation of Canadian Municipalities - 2018 Conference, Councillor Meagan Brame

Moved by Councillor Brame, seconded by Councillor Low: That AVICC 2018 Conference and Federation of Canadian Municipalities - 2018 Conference, Reports by Councillor Meagan Brame be received. Carried Unanimously.

- 3) [18-281](#) AVICC 2018 Report, Councillor Olga Liberchuk

Moved by Councillor Liberchuk, seconded by Councillor Low: That AVICC 2018 Report, Councillor Olga Liberchuk be received. Carried Unanimously.

**11. REPORTS FROM COMMITTEES**

- 1) [18-289](#) Adopted Minutes from the Parks and Recreation Advisory Committee, March 28, 2018

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Adopted Minutes from the Parks and Recreation Advisory Committee, March 28, 2018 be received. Carried Unanimously.

**12. COMMUNICATIONS**

- 1) [18-290](#) Letter from Crystal Dunahee and Steve Orcherton, Child Find BC, dated June 15, 2018, Re: 27th Annual Michael Dunahee Slo-pitch Tournament of Hope

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Letter from Crystal Dunahee and Steve Orcherton, Child Find BC, dated June 15, 2018, Re: 27th Annual Michael Dunahee Slo-pitch Tournament of Hope be received and direct Parks and Recreation staff to provide appropriate prize donations. Carried Unanimously.

- 2) [18-291](#) Letter from Grade 6 Students of Rockheights Middle School, received June 19, 2018, Re: Access to Clean Drinking Water for All Canadians

Moved by Councillor Brame, seconded by Councillor Low: That the Letter from Grade 6 Students of Rockheights Middle School, received June 19, 2018, Re: Access to Clean Drinking Water for All Canadians be received



with Councils' endorsement and further, direct staff to forward a copy to Mitzi Dean, MLA and Randall Garrison, MP for consideration of action. Carried Unanimously.

**13. PUBLIC QUESTION AND COMMENT PERIOD**

**Excluding items which are or have been the subject of a Public Hearing. Limit of two minutes per speaker.**

Doug Scott, *resident*, inquired whether incorrect information received during an Advisory Planning Commission meeting can be challenged.

Marilyn Day, *resident*, thanked Council for their hard work.

**14. ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:09 PM. Carried Unanimously.

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MAYOR BARBARA DESJARDINS  
THIS date DAY OF month, 2018

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ANJA NURVO, CORPORATE OFFICER  
CERTIFIED CORRECT