



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Draft

Council

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

Monday, September 17, 2018

7:00 PM

Esquimalt Council Chambers

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: Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Ian Irvine, Director of Financial Services
Anja Nurvo, Director of Corporate Services
Alex Tang, Planner
Rachel Dumas, Recording Secretary

Staff: Chief Del Manak, Victoria Police Department
Deputy Chief Colin Watson, VicPD
Staff Sgt Tony Parks, VicPD
Sgt Sean Plater, Esquimalt Division, VicPD

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. Mayor Desjardins acknowledged the success of Ribfest and thanked the volunteers.

2. LATE ITEMS

The following late items were added to the agenda:

- (1) Pertaining to Agenda Item 5. **PUBLIC HEARING:** (1) Notice of Public Hearing - Rezoning Application, 833 and 835 Dunsmuir Road:
 - Letter from Cindy Story & Dustin Lindal, dated September 11, 2018
 - Letter from Mrs. Regina S. Davis, dated September 17, 2018
 - Letter from Barb Wutzke, dated September 17, 2018
 - Email from Melissa Schade Saltel, dated September 17, 2018
- (2) Pertaining to Agenda Item 5. **PUBLIC HEARING:** (3) Rezoning Application - 833 and 835 Dunsmuir Road, Staff Report DEV-18-067:

1. Revised Landscaping Plan (Appendix C)
2. Draft Section 219 Covenant

3. APPROVAL OF THE AGENDA

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

4. MINUTES

- 1) [18-391](#) Minutes of the Regular Meeting of Council, August 20, 2018
- 2) [18-392](#) Minutes of the Regular Meeting of Council, August 27, 2018

Moved by Councillor Low, seconded by Councillor Hundleby: That the Minutes of the Regular Meeting of Council, August 20, 2018 and Minutes of the Regular Meeting of Council, August 27, 2018 be adopted as amended. Carried Unanimously.

5. 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) [18-389](#) Notice of Public Hearing - Rezoning Application, 833 Dunsmuir Road and 835 Dunsmuir Road
- 2) **Background Information - Available for Viewing Separately**
- 3) **Director of Development Services - Overview of Application**

Planner provided an overview of rezoning application 833 & 835 Dunsmuir Road, including amendments to Section (4) to change the maximum number of units from 34 to 32 to accommodate 3 bedroom units, presented a PowerPoint Presentation and responded to questions from Council. Planner noted new landscape plan and draft Section 219 Covenant added as Late Items.

 - a) [18-375](#) Rezoning Application - 833 and 835 Dunsmuir Road, Staff Report DEV-18-067
- 4) **Applicant or Authorized Representative - Overview of Application**

Heather Spinney, Praxis Architects Inc, provided an overview of rezoning application, presented a PowerPoint Presentation and responded to questions from Council.
- 5) **Public Input**

Barb Wutzke, *resident*, in opposition of development and expressed safety concerns.
Thomas Schulz, *resident*, in favour of development and the benefit for the

community as a whole.

Paul Onderwater, *resident*, in favour of development and requested information on MODO Car share.

Scott McLaren, *resident*, in favour of development.

Chris Edley, *President, Esquimalt Chamber of Commerce*, expressed that business community is in favour of project.

Dorothy Curtis, *resident*, expressed concerns with protection of the trees located on property.

Dan Sapranov, *resident*, expressed concerns with increased traffic flow and impact of development to neighbours.

Barb Wutzke, *resident*, expressed additional safety concerns.

6) Adjournment of Hearing

Mayor Desjardins declared the Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2924 closed 7:37 PM.

7) Consideration of Staff Recommendation

Moved by Councillor Morrison, seconded by Councillor Low:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2924, attached to Staff Report DEV-18-067 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 833 Dunsmuir Road [PID 005-388-899, Lot 3, Section 11, Esquimalt District, Plan 9757], shown cross hatched on Schedule 'A' of Bylaw No. 2924, from RM-4 [Multiple Family Residential] to CD No. 108 [Comprehensive Development District No. 108], and by changing the zoning designation of 835 Dunsmuir Road [PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757], also shown cross hatched on Schedule 'A' of Bylaw No. 2924, from RD-3 [Single Family/Two Family Residential] to CD No. 108 [Comprehensive Development District No. 108] as amended to change the maximum number of units from 34 to 32, 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-18-067, 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 833 Dunsmuir Road [PID 005-388-899, Lot 3, Section 11, Esquimalt District, Plan 9757] and 835 Dunsmuir Road [PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757] in favour of the Township of Esquimalt providing the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- Lot consolidation of 833 Dunsmuir Road [PID 005-388-899, Lot 3,

Section 11, Esquimalt District, Plan 9757] and 835 Dunsmuir Road [PID 005-388-881, Lot 2, Section 11, Esquimalt District, Plan 9757] prior to development as the proposed CD No.108 Zone does not work unless the parcels are consolidated

- The building to be constructed to include two 3-bedroom dwelling units
- Three visitor parking spaces will be provided and remain as illustrated in the parking plan, attached as Appendix C to Staff Report DEV-18-067
- \$500 per unit car shares from Modo car share services
- All of the parking stalls wired for Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations
- Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents
- No restriction on rentals to ensure that all the strata units in this building can be used as long-term residential rentals

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, prior to returning Amendment Bylaw No. 2924 to Council for consideration of adoption. Carried Unanimously.

6. PRESENTATIONS

- 1) [18-395](#) Victoria Police Department Quarterly Report, Framework Agreement, Chief Del Manak

Chief Del Manak, VicPD, provided an overview of the Victoria Police Department Framework Agreement second quarterly report, presented a PowerPoint Presentation and responded to questions from Council.

7. DELEGATIONS

- 1) [18-348](#) Karen Shirley, Re: Protection for Esquimalt's Low-Income Renters

Karen Shirley, provided an overview of the petition previously presented to Council for consideration of drafting a Policy to fill the gap between the Official Community Plan and Residential Tenancy Act, with the intent to protect Esquimalt's low income renters from displacement. Ms. Shirley encouraged Council to review the City of Victoria's and Vancouver's Policy for best practice guidelines.

8. PUBLIC INPUT (On items listed on the Agenda)

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

John Roe, *resident*, expressed concerns regarding affordable housing and displacement of low-income renters in Esquimalt.

Norma Rourke, *resident*, expressed concerns regarding high cost of rent and affordability for everyone in Esquimalt.

Katie Blake, *Executive Director, Habitat Acquisition Trust*, expressed concerns regarding proposed property tax exemption for HAT.

John Dobroski, *Chair, Compassionate Warehouse Resource*, thanked Council for the Township's property tax exemption support.

Andy Telfer, *Executive Director, WITS Program Foundation*, thanked Council for the Township's property tax exemption support.

Chris Edley, *resident*, suggested a revision to Notice of Motion presented for discussion by Councillor Liberchuk regarding housing.

Cory Peters, *resident*, in support of low income housing and benefit to the community.

Raymond Dewell, *resident*, in support of low income housing in Esquimalt.

The meeting recessed at 8:27 PM and reconvened at 8:34 PM with all members of Council present.

9. STAFF REPORTS

Administration

- 1) [18-338](#) Revisions to Council Meeting Schedule for October 2018, Staff Report ADM-18-025

Chief Administrative Officer responded to questions from Council.

Moved by Councillor Liberchuk, seconded by Councillor Hundleby: That the 2018 Regular Meeting Schedule be revised as follows:

1. the Committee of the Whole meeting scheduled for October 15th, 2018 be cancelled; and
2. the Regular Council meeting scheduled for October 15th, 2018 be cancelled. Carried.

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

Opposed: 1 - Councillor Morrison

Finance

- 2) [18-378](#) 2019 Permissive Tax Exemptions, Staff Report FIN-18-012

Director of Financial Services responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Brame: That Council give first, second and third readings to the Tax Exemption (Non-Profit Organizations) Bylaw, 2018, No.2945 as attached to Staff Report FIN-18-012.

Moved by Councillor Hundleby, seconded by Councillor Low: That the Main Motion be amended to grant the Habitat Acquisition Trust a 100% property tax exemption for 2019.

Moved by Councillor Brame, seconded by Councillor Morrison: That Council allow Katie Blake, Habitat Acquisition Trust, to address Council to respond to questions. Carried Unanimously.

Katie Blake, Habitat Aquisition Trust, responded to questions from Council.

The vote was called on the Amendment to the Main Motion and declared Carried. Councillor Brame opposed.

The vote was taken on the Main Motion as amended and declared Carried. Councillor Low and Councillor Liberchuk opposed.

Development Services

- 3) [18-376](#) Rezoning Application - 1109 Lyall Street, Staff Report DEV-18-068

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That Council allow the applicant to address Council to present a PowerPoint Presentation. Carried Unanimously.

Kim Colpman, Large and Co, provided an overview of rezoning application for 1109 Lyall Street, presented a PowerPoint Presentation and responded to questions from Council.

Moved by Councillor Burton-Krahn, seconded by Councillor Low: That Council resolves that Bylaw No. 2940 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 1109 Lyall Street [PID 006-001-009, Amended Lot 3 (DD 148436I), Section 11, Esquimalt District, Plan 4729] from RD-3 [Two Family/ Single Family Residential] to CD No. 111 [Comprehensive Development District No. 111], 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. 2940, and to advertise for same in the local newspaper. Carried Unanimously.

10. BYLAWS

- 1) [18-374](#) Council Remuneration Bylaw, 2018, No. 2941 - For Adoption

Moved by Councillor Low, seconded by Councillor Hundleby: That Council Remuneration Bylaw, 2018, No. 2941 be adopted. Carried Unanimously.

11. MAYOR'S AND COUNCILLORS' REPORTS

- 1) [18-377](#) Seniors Advocate Report 2018, Councillor Lynda Hundleby

Moved by Councillor Hundleby, seconded by Councillor Brame: That the Seniors Advocate Report 2018 by Councillor Lynda Hundleby be received. Carried Unanimously.

12. REPORTS FROM COMMITTEES

- 1) [18-396](#) Adopted Minutes from the APC Design Review Committee, August 8, 2018
- 2) [18-400](#) Draft Minutes from the Advisory Planning Commission, August 21, 2018
- 3) [18-390](#) Minutes from the Local Grant Committee Permissive Tax Exemption Meeting, September 6, 2018

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Adopted Minutes from the APC Design Review Committee, August 8, 2018, Draft Minutes from the Advisory Planning Commission, August 21, 2018 and Minutes from the Local Grant Committee Permissive Tax Exemption Meeting, September 6, 2018 be received. Carried Unanimously.

13. COMMUNICATIONS

- 1) [18-397](#) Letter from Director Wendy Booth, President, Union of BC Municipalities, dated August 31, 2018, Re: 2018 Late Resolution
- 2) [18-398](#) Email from Janelle Breese Biagioni, Founder, Constable Gerald Breese Centre for Traumatic Life Losses, dated September 5, 2018, Re: Invitation to Attend Symposium on PTSD
- 3) [18-399](#) Letter from Cynthia Day, Chair, Victoria Family Court & Youth Justice Committee, dated September 5, 2018, Re: Committee Activities Update
- 4) [18-401](#) Letter from Lieutenant-Colonel M.F. Sandy, Commanding Officer, Real Property Operations Unit (Pacific), National Defence, dated September 7, 2018, Re: Transfer of Department of National Defence Property

Moved by Councillor Liberchuk, seconded by Councillor Low: That the Letter from Director Wendy Booth, President, Union of BC Municipalities, dated August 31, 2018, Re: 2018 Late Resolution, Email from Janelle Breese Biagioni, Founder, Constable Gerald Breese Centre for Traumatic Life Losses, dated September 5, 2018, Re: Invitation to Attend Symposium on PTSD, Letter from Cynthia Day, Chair, Victoria Family Court & Youth Justice Committee, dated September 5, 2018, Re: Committee Activities Update and Letter from Lieutenant-Colonel M.F. Sandy, Commanding Officer, Real Property Operations Unit (Pacific), National Defence, dated September 7, 2018, Re: Transfer of Department of National Defence Property be received. Carried Unanimously.

14. NOTICE OF MOTION

- 1) [18-359](#) Notice of Motion re Options for Below Market

Accommodations, Councillor Olga Liberchuk - For
Discussion

Councillor Liberchuk provided an overview of the Notice of Motion addressing below market housing opportunities.

Moved by Councillor Liberchuk, seconded by Councillor Morrison:

WHEREAS: Esquimalt is a home to people with diverse income levels including upper, middle, and low incomes,

WHEREAS: New residential developments are primarily targeted to people with middle and higher incomes resulting in gentrification of neighbourhoods, renovations, and displacement of people with lower incomes,

AND WHEREAS: Currently Council has no mechanism to ensure that new developments include below market units,

THEREFORE BE IT RESOLVED: That Council request staff to provide options to ensure new development in Esquimalt offers below market accommodation. Carried Unanimously.

15. 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*, in support of low income rental housing and suggested landlords explore Federal funding options.

17. ADJOURNMENT

Moved by Councillor Liberchuk, seconded by Councillor Morrison: That the Regular Council meeting be adjourned at 9:50 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS date DAY OF month, 2018

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT