



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Draft

Council

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

Monday, December 21, 2020

7:00 PM

Esquimalt Council Chambers

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

Mayor Desjardins, Councillor Hundleby, Councillor Morrison, and Councillor Vermeulen attended the meeting by conference call.

Staff: Laurie Hurst, Chief Administrative Officer (via conference call)
Jeff Miller, Director of Engineering and Public Works (via conference call)
Bill Brown, Director of Development Services
Blair McDonald, Director of Community Safety Services
Rachel Dumas, Manager of Corporate Services
Alex Tang, Planner
Alicia Ferguson, Recording Secretary

1. CALL TO ORDER

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

Acting Mayor Brame 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 (7): STAFF REPORTS -
Demolition of Registered Heritage Property - 820 Dunsmuir Road, Staff Report No. DEV-20-088

- Email from Rozlynne Mitchell, Chair, West Bay Residents Association, dated December 20, 2020, Re: 820 Dunsmuir Rd
- Email from Sherri Robinson, Former Chair, Esquimalt Heritage Committee, dated December 21, 2020, Re: 820 Dunsmuir
- Email from Kim Colpman, Large and Co., dated December 21, 2020, Re: Demo Application
- Email from Stuart Stark, Heritage Consultant, Stuart Stark and Associates, dated December 21, 2020, Re: Heritage

Designation of 820 Dunsmuir Road

- Email from Ken Johnson, President, Hallmark Heritage Society, dated December 21, 2020, Re: 820 Dunsmuir Road
- Email from Nancy Harrison, dated December 21, 2020, Re: 820 Dunsmuir Road
- Email from Bronwyn Taylor, dated December 21, 2020, Re: 820 Dunsmuir Rd
- Email from Julie King, dated December 21, 2020, Re: Possible Demolition of 820 Dunsmuir Road
- Email from Margaret Palmer, dated December 21, 2020, Re: House at 820 Dunsmuir Road
- Email from Monique Genton, dated December 21, 2020, Re: 820 Dunsmuir Road
- Email from Sheena Bellingham, dated December 21, 2020, Re: 820 Dunsmuir Road
- Email from Don Hutton, dated December 21, 2020, Re: 820 Dunsmuir Road
- Email from Pat Wilson, dated December 21, 2020, Re: 820 Dunsmuir Road
- Email from Susan Ross, dated December 21, 2020, Re: 820 Dunsmuir Road

(2) PERTAINING to Item No. 6 (10): **STAFF REPORTS** - Development Variance Permit and Development Permit - 836 Viewfield Road, Staff Report No.: DEV-20-086

- Email from Katlin Spelrem, dated December 17, 2020, Re: Driftwood Brewery Development Variance Permit Application

3. APPROVAL OF THE AGENDA

Moved by Councillor Helliwell, seconded by Councillor Armour: That the agenda be approved as circulated with the inclusion of the late items. Carried Unanimously.

4. MINUTES

- 1) [20-612](#) Minutes of the Special Council meeting held December 7, 2020
- 2) [20-613](#) Minutes of the Regular Council meeting held December 7, 2020

Moved by Councillor Armour, seconded by Councillor Helliwell: That the Minutes of the Special Council meeting held December 7, 2020 and the Minutes of the Regular Council meeting held December 7, 2020, be approved 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.

The following speaker requested by email or phone call to be included on the speakers list by providing their name and contact number to the Corporate Officer.

Kim Colpman, *Large & Co.*, attended the meeting via conference call and provided information regarding the demolition permit application for 820 Dunsmuir Road. She advised of the company's various considerations to preserve the heritage building and inclusion with any proposed future development and economic factors contributing to this not being a viable option.

6. STAFF REPORTS

Community Safety Services

- 1) [20-566](#) Animal Management Bylaw [Amendment No.2] - Staff Report No. CSS-20-017

Director of Community Safety Services provided a brief overview of the report and responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council give first, second and third readings to Animal Management Bylaw, 2015, No. 2841, Amendment Bylaw [No. 2], 2020, No. 3011. Carried Unanimously.

- 2) [20-599](#) Bylaw Notice Enforcement Bylaw [Amendment No. 10], Staff Report No. CSS-20-020

Director of Community Safety Services provided a brief overview of the report and responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council give first, second and third readings to Bylaw Notice Enforcement Bylaw, 2014, No. 2839, Amendment Bylaw [No. 10], No. 3008, 2020. Carried Unanimously.

- 3) [20-570](#) Streets and Traffic Regulation Bylaw [Amendment No. 4], Staff Report No. CSS-20-018

Director of Community Safety Services provided a brief overview of the report and responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council give first, second and third readings to the Streets and Traffic Regulation Bylaw, 2017, No. 2898, Amendment Bylaw No. 4, 2020, No. 3009. Carried Unanimously.

- 4) [20-581](#) Business Regulation (Second Hand Dealers and Pawnbrokers) Bylaw, Staff Report No. CSS-20-019

Director of Community Safety Services provided a brief overview of the report, responded to questions from Council, and comments included communicating the regulation change via social media.

Moved by Councillor Armour, seconded by Councillor Helliwell: That Council give first, second and third readings to Business Regulation (Second Hand Dealers and Pawnbrokers) Bylaw, 2000, No. 2432, Amendment Bylaw [No. 1], 2020, No. 3010. Carried Unanimously.

Director of Community Safety Services left the meeting at 7:15 PM.

Engineering and Public Works

- 5) [20-615](#) Boulevard Alteration Permit - 1137 Greenwood Avenue, Staff Report No. EPW-20-027

Director of Engineering and Public Works attended the meeting via conference call, provided an overview of the application, and responded to questions from Council.

Council comments included alignment with the Township Guide to Boulevard Modifications and portions of the garden infringing on municipal property.

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council does not approve Boulevard Alteration Permit No. 00048 for 1137 Greenwood Avenue and direct staff to work with the resident to remove the material and items from the boulevard as outlined in Staff Report No. EPW-20-027. Carried Unanimously.

- 6) [20-616](#) Traffic Order 1319 - Garrett Place Parking Restriction, Staff Report No. EPW-20-028

Moved by Mayor Desjardins, seconded by Councillor Armour: That Council approve the implementation of Traffic Order 1319 for a "Loading Zone" between 7am and 10pm on the east side of Garrett Place, commencing at a point 9.0m from the intersection of Dunsmuir Road, and continuing southerly for a distance of 10.0m as outlined in Staff Report No. EPW-20-028. Carried Unanimously.

Director of Engineering and Public Works left the meeting at 7:24 PM.

Development Services

- 7) [20-614](#) Demolition of Registered Heritage Property - 820 Dunsmuir Road, Staff Report No. DEV-20-088

Planner provided an overview of the report and responded to questions from Council.

CAO joined the meeting via conference call at 7:35 PM.

Council comments included recognition of financial impact associated with

preservation and whether there is an economically viable option to preserve the heritage building.

Moved by Councillor Helliwell, seconded by Councillor Vermeulen:

That Council:

1. direct staff to proceed with initiating an appraisal of the property located at 820 Dunsmuir Road using contingency funding, or alternate account at the discretion of the Director of Financial Services;
2. direct staff to work with the applicant on a development that would retain the registered heritage building prior to preparing a Heritage Designation Bylaw [820 Dunsmuir Road] for Council's consideration at a future Council meeting; and,
3. return to Council for further consideration of Heritage Designation for the property at a future Council meeting. Carried Unanimously.

Planner left the meeting at 7:53 PM.

- 8) [20-611](#) OCP Bylaw Amendment and Rezoning Application - 1048 Tillicum Road, Staff Report No. DEV-20-087

Director of Development Services provided an overview of the application including an oversight that was recognized during a detailed review of Amendment Bylaw No. 2994, and responded to questions from Council. Staff identified the oversight that the Development Permit Area designation applied to the parcel is inconsistent with the proposed form of development and an Official Community Plan (OCP) amendment is required to address this issue. Approval of the staff recommendation would align the two bylaws and allow a Public Hearing to be held, consistent with the requirements of the *Local Government Act*.

The purpose of the application is to accommodate the proposed five strata townhouse residences to be constructed in two buildings on the subject property.

Moved by Councillor Helliwell, seconded by Councillor Armour:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3012 attached as Appendix A to Staff Report DEV-20-087, which would amend Official Community Plan - Schedule H, the 'Development Permit Areas' map, by changing the designation of 1048 Tillicum Road [PID 005-010-390, Lot D, Section 10, Esquimalt District, Plan 11683], shown cross-hatched on Schedule 'A' of Bylaw No. 3012, from 'DPA No. 3 - Enhanced Design Control Residential' to 'DPA No. 6 - Multi-Family Residential' be read a first and second time, and
2. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3012 attached as Appendix A to Staff Report DEV-20-087 has been considered in conjunction with the Township financial plan and the regional waste management plan in accordance with Section 477 of the Local Government Act.
3. That Council resolves to rescind third reading of Zoning Bylaw, 1992,

No. 2050, Amendment Bylaw No. 2994, attached as Appendix B to Staff Report DEV-20-087, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 1048 Tillicum Road [PID 005-010-390, Lot D, Section 10, Esquimalt District, Plan 11683], shown cross-hatched on Schedule 'A' of Bylaw No. 2994, from Two Family Residential [RD-1] to Comprehensive Development District No. 132 [CD. No. 132], and

4. Subject to any Ministerial Order, that Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3012 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2994, mail notices and advertise for same in the local newspaper. Carried Unanimously.

CAO left the meeting at 7:56 PM.

- 9) [20-608](#) Development Permit - 481 S. Joffre Street, Staff Report No.: DEV-20-085

The purpose of the application is to create a development where the existing single-family dwelling is retained and a new detached accessory dwelling unit [DADU], is added in the rear yard of the property.

Moved by Councillor Armour, seconded by Councillor Helliwell: That Council resolves that Development Permit No. DP000147 [Appendix A of staff report DEV-20-085] authorizing the proposed development (form and character, natural environment, greenhouse gas and water conservation) of a new Detached Accessory Dwelling Unit to be constructed in accordance with the BCLS Site Plan prepared by Brent Mayenburg, Wey Mayenburg Land Surveying Inc., is consistent with the architectural plans and landscape plan prepared by Adapt Design, all stamped "Received October 1, 2020" be approved, and (subject to receipt of the required landscape security) staff be directed to issue the permit, and register the notice on the title of the property located at 481 S. Joffre Street [PID 003-150-909, Lot 4, Section 11, Esquimalt District, Plan 4729]N*4185. Carried Unanimously.

- 10) [20-609](#) Development Variance Permit and Development Permit - 836 Viewfield Road, Staff Report No.: DEV-20-086

The purpose of the application is to relocate and consolidate the operations at this location and complete substantial renovations to the existing building.

Council comments included the supportive comments received from the Advisory Planning Commission in relation to the application.

Moved by Councillor Armour, seconded by Councillor Helliwell: That Council resolves that Development Permit No. DP000143 [Appendix A of staff report DEV-20-086] authorizing the renovations to the façade and the new signage for the existing building as detailed in the architectural plans (including signage) provided by Finlayson Bonet Architecture Ltd., with pages stamped "Received December 4, 2020" and "Received October 7,

2020", the coordination and grading plan by JE Anderson and Associates stamped "Received October 19, 2020, and the landscape plan by LADR Landscape Architects stamped "Received December 4, 2020" be approved, and (subject to receipt of the required landscape security) staff be directed to issue the permit, and register the notice on the title of the property located at 836 Viewfield Road [PID 003-882-497; Amended Lot 5 (DD 238951I), Section 11, Esquimalt District, Plan 808] and;

That Council resolves that Development Variance Permit No. DVP00106 [Appendix B of staff report DEV-20-086] authorizing an increase to the permitted height for a building (or structure, the bucket loader and malt silos) as illustrated on the architectural plans provided by Finlayson Bonet Architecture Ltd. stamped "Received December 4, 2020", and the coordination and grading plan by JE Anderson and Associates stamped N"Received October 19, 2020", and including the following relaxations to Zoning Bylaw 1992, No. 2050, be approved, and staff be directed to issue the permit and register the notice on the title of the property located 836 Viewfield Road [PID 003-882-497; Amended Lot 5 (DD 238951I), Section 11, Esquimalt District, Plan 808]:

Zoning Bylaw 1992, No. 2050, Section 53 (4) Building Height: An increase to the permitted height of a building (or structure) from 10 metres to 19.5 metres for the 'Bucket Loader', and 13.5 metres for the 'Malt Silos', for a variance of 9.5 metres. Carried Unanimously.

Director of Development Services left the meeting at 7:58 PM.

7. REPORTS FROM COMMITTEES

- 1) [20-607](#) Draft Minutes of the Board of Variance, November 23, 2020

This item was received.

8. NOTICE OF MOTION

- 1) [20-601](#) Notice of Motion re: Membership with Greater Victoria Chamber of Commerce by Mayor Desjardins - For Discussion

Mayor Desjardins provided an overview of the Notice of Motion and the benefits associated with membership including regional collaboration and Council comments included considering membership as part of the 2021 budget.

Moved by Mayor Desjardins, seconded by Councillor Armour:

WHEREAS: The municipalities of Victoria, Saanich, View Royal and Colwood are currently members, which reflects the regional impact of The Chamber.

AND WHEREAS: Esquimalt supports the Esquimalt Chamber of Commerce and its local business representation.

AND WHEREAS: The greater Victoria Chamber of Commerce work with local Chambers and take a regional approach to their work.

THEREFORE BE IT RESOLVED: That Township of Esquimalt become a member of the Greater Victoria Chamber of Commerce for 2021. Carried Unanimously.

- 2) [20-606](#) Notice of Motion re: Regulation of Fireworks in Esquimalt by Councillor Ken Armour and Councillor Meagan Brame - For Discussion

Council comments included:

- * Limiting air pollution, reducing noise impact, and increasing community safety by regulating the use of fireworks in the Township.
- * Benefits of a regional or provincial approach for greater compliance.
- * Best practices of other municipalities and the high costs and fire damage associated with allowing unregulated use.

Moved by Councillor Armour, seconded by Councillor Brame:

WHEREAS: Esquimalt's current bylaw regulating the use of fireworks dates back to 2007;

WHEREAS: Esquimalt Council has recently received (following Halloween) input from some Esquimalt residents calling for a ban on fireworks, noting that they cause air pollution, that the associated noise can scare wildlife and domestic pets, and that the explosions can cause harm to humans and animals;

THEREFORE BE IT RESOLVED: That Council approve, in principle, a ban on the sale and use of fireworks in Esquimalt and direct staff to draft a report on how to best move forward with this ban. The report should briefly explore approaches taken by other municipalities, issues around enforcement, and the possibility of the Esquimalt Fire Department occasionally holding brief fireworks displays to commemorate special events. Carried Unanimously.

- 3) [20-602](#) Notice of Motion re: Election Campaign Signs in Esquimalt by Councillor Ken Armour - For Discussion

Council comments included:

- * Environmental impacts and fairness considerations for candidates.
- * Enforceability and other levels of regulation.
- * Options for alternative campaigning.
- * Current priorities of the Township and staff resources for this initiative.

Manager of Corporate Services provided information regarding the Elections Signs on Municipal Property Policy currently in place to regulate candidate signage in the Township.

Moved by Councillor Armour, seconded by Mayor Desjardins:

WHEREAS: outdoor/lawn election signs result in environmental/plastic waste;

WHEREAS: outdoor/lawn election signs lead to visual clutter in Esquimalt, particularly because of the perceived need for candidates to enter into a "sign war" by placing as many signs as possible;

WHEREAS: outdoor/lawn election signs can contribute to financially inequitable election campaigns, or even discourage people from even running for political officer, by increasing the need to secure significant funding for the production of election signs;

AND WHEREAS: the abundance of social media provides significant opportunities for candidates to publicize their campaigns instead of using election signs;

THEREFORE BE IT RESOLVED: That Council agree, in principle to ban the use of municipal, provincial and federal outdoor/lawn election signs on all public, commercial and residential (excluding signs placed within a residence) properties in Esquimalt and that staff be directed to develop a report on this for Council's consideration. Defeated.

In Favour: 2 - Mayor Desjardins, and Councillor Armour

Opposed: 5 - Councillor Brame, Councillor Helliwell, Councillor Hundleby, Councillor Morrison, and Councillor Vermeulen

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 Armour, seconded by Councillor Helliwell: That the Regular Council meeting be adjourned at 8:25 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS DAY OF _____, 2020

RACHEL DUMAS, CORPORATE OFFICER
CERTIFIED CORRECT