



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Draft

Council

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

Monday, August 30, 2021

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

Councillor Vermeulen attended the meeting via conference call.

Staff: Laurie Hurst, Chief Administrative Officer
Jeff Miller, Director of Engineering & Public Works
Bill Brown, Director of Development Services
Deb Hopkins, Manager of Corporate Services
Trevor Parkes, Senior Planner
Alicia Ferguson, Recording Secretary

1. **CALL TO ORDER**

Mayor Desjardins called the Regular Council meeting to order at 7:00 PM and read the Territorial acknowledgement.

2. **LATE ITEMS**

- (1) **PERTAINING** to Item No. 5: **PUBLIC HEARING** - Official Community Plan Amendment and Rezoning Application - 819, 821, 823 Esquimalt Road, Staff Report No. DEV-21-063
- Email from Laurie Finnigan, dated August 24, 2021, Re: Hythe Point Seniors Retirement Community (819-823 Esquimalt Road)
 - Email from June Fletcher, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Christine & Thomas Ambler, dated August 21, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Tanis Seminoff, dated August 30, 2021, Re: Rezoning Application 819/821/823 Esquimalt Road
 - Email from Michelle Forde, dated August 27, 2021, Re: Change of designation of 819, 821 & 823 Esquimalt Road
 - Email from Joe & Sandy Rozon, dated August 28, 2021,

- Re: Public Hearing for Rezoning of 819, 821, & 823 Esquimalt
- Email from Susi Popp-Wheelock, dated August 29, 2021, Re: Public Hearing 819, 821, 823 Esquimalt Road Proposal
 - Email from Rozlynn Mitchell, Chair, Board of Directors, West Bay Residents Association, dated August 29, 2021, Re: Public Hearing for 819, 821, 823 Esquimalt Road Council PH Avenir
 - Email from Jason Craik, Principal, Avenir Senior Living, dated August 27, 2021, Re: 819-823 Esquimalt Road
 - Email from Sofia Bakken, dated August 30, 2021, Re: 819-823 Esquimalt Road
 - Email from E. Tumanako Green, dated August 30, 2021, Re: Public Hearing Submission - 819, 821, & 823 Esquimalt Rd Objection Letter
 - Email from Vicki & Ken Francis, dated August 30, 2021, Re: Objections to 819, 821, & 823 Esquimalt Road
 - Email from Heather Foster, dated August 30, 2021, Re: Proposed OCP Amendment 819-823 Esquimalt Road
 - Email from Craig Miller, dated August 30, 2021, Re: Opposition to Amending the OCP No. 3026
 - Email from Kate-Lynn Price, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Fran Shaw, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Lynne Milne, undated, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Kay Miller, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Melanie Wiebel, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Dinnie Erickson, undated, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Cassie Doyle, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
 - Email from Erin McGuire, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe

Pointe

- Email from Mathew Field, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Jo-Anne Jones, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Brenda Martin, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Resident, August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Maxine Blatz, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Martin Hagen, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Keith MacDonald, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Allison Tripp, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Will McGuire, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Helen Byrley, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Stephen Church, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Jocelyn Paris, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Nick Shal, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Jennifer Murphy, dated August 26, 2021, Re: Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe
- Email from Thaddies Conrad, dated August 26, 2021, Re:

Rezoning Application - 819-823 Esquimalt Road, Hythe Pointe

(2) **PERTAINING** to Item No. 9.1: **COMMUNICATIONS** - Email from Tania Downey, Family Navigator, Island Kids Cancer Association, dated August 19, 2021, Re: Childhood Cancer Awareness Month Proclamation Request

- Email from Tania Downey, Family Navigator, Island Kids Cancer Association, dated August 26, 2021, Re: Correction to Proclamation Request for Childhood Cancer Awareness

(3) **ADD** as Item No. 9.2: **COMMUNICATIONS** - Email from Tom Woods, dated August 27, 2021, Re: Ribfest Grant

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

- 1) [21-439](#) Minutes of the Special Council meeting held August 16, 2021
- 2) [21-440](#) Minutes of the Regular Council meeting held August 16, 2021
- 3) [21-442](#) Minutes of the Special Council meeting held August 23, 2021

Moved by Councillor Brame, seconded by Councillor Helliwell: That the Minutes of the Special Council meeting held August 16, 2021 and the Minutes of the Special Council meeting held August 23, 2021, be approved as circulated and that the Minutes of the Regular Council meeting held August 16, 2021, be approved with a change to the territorial acknowledgment to read "they" instead of "we". 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) [21-443](#) Public Hearing Notice – 819-823 Esquimalt Road
- 2) **Background Information - Available for Viewing Separately**
- 3) **Director of Development Services - Overview of Application**
 - a) [21-436](#) Official Community Plan Amendment and Rezoning Application - 819, 821, 823 Esquimalt Road, Staff Report No. DEV-21-063

Senior Planner presented a PowerPoint Presentation and highlighted a recent change to the proposal for inclusion of a greenscreen as part of the

landscaping and responded to questions from Council.

4) Applicant or Authorized Representative - Overview of Application

Jason Craik, *applicant*, presented a PowerPoint Presentation and responded to questions from Council.

Councillor Vermeulen was disconnected from the meeting at an unknown time due to technical challenges and reconnected at 7:46 PM.

Council comments included impact to street parking and alternative options to incentivize alternative transportation.

5) Public Input

Nelson Brunyanski, *resident*, provided input electronically to express opposition to the application including impact on their property and surrounding neighbours, fit within neighbourhood, and lack of alignment with the Official Community Plan.

Rozlynn Mitchell, *resident*, provided input electronically on behalf of the West Bay Residents Association to express concerns relating to the proposed massing and height, alignment with Official Community Plan, impact to surrounding neighbours and lack of proposed amenities.

Kristi Eng, *resident*, expressed opposition to the application including impact to surrounding neighbours, alignment with the Official Community Plan, and concerns of creating wind tunnels with the height and massing in this location.

Rosie Cook and Gabe Cohen, *residents*, expressed concerns relating to the application including impact to their property and surrounding neighbours, height, and fit within neighbourhood and further expressed appreciation for the proposed social connectedness model and the appealing design.

Councillor Vermeulen disconnected from the meeting at 8:09 PM and reconnected at 8:09 PM.

Wayne Melvine, *resident*, expressed support for the application including minimal impact of allowing an additional two storeys and appreciation for the unique model of housing and affordability.

Cheryl Purdue, *resident*, expressed support for the application including the need for this type of housing in the community.

Roger Wheelock, *resident*, expressed concerns with the application including height and alignment with the Official Community Plan and West Bay Guidelines and noted the proposal was not supported by both the Advisory Planning Commission (APC) and the APC Design Review Committee.

Paul Silletta, *resident*, expressed support for the application to revitalize the area and enhance the community.

Val Carswell, *resident*, expressed appreciation for the proposed housing model and the need for seniors housing in the community as well as

concerns relating to the proposed height.

Carey Ireland, *resident*, expressed concerns relating to the proposal's impact to his property.

Colin Maclock, *resident*, expressed concerns with the application including alignment with the Official Community Plan and West Bay Guidelines and a lack of support received from the neighbours for the proposal.

Carey Ireland, *resident*, expressed opposition to the application including impact on his property and surrounding neighbours, fit within neighbourhood, lack of alignment with the Official Community Plan, and impact to parking.

Colin Maclock, *resident*, expressed concerns relating to the proposed height, impact of COVID-19 on the proposed social connectedness and affordability model, and whether 6 storeys is sufficient.

Kristi Eng, *resident*, expressed concerns regarding the proposal's fit within the neighbourhood and a lack of outdoor space for residents.

Roger Wheelock, *resident*, expressed concerns relating to the proposal's shadowing impact and potential for wind tunneling.

Carey Ireland, *resident*, expressed concerns relating to the proposal's height and impact to his property, tree preservation, and further expressed a desire for the proposal to be in alignment with the Official Community Plan.

Jennifer Forer, *resident*, was unable to connect to the meeting but her comments were read aloud by the Corporate Officer expressing a desire for Council to wait for future proposals for this site and not approve the current proposal.

The Mayor asked if there was any further public input received via the public hearing phone line. No further public input was received. Council waited three minutes for any speakers to text or call the public hearing phone line to respond to comments made during the Public Hearing. No further input was received.

6) Adjournment of Hearing

Mayor Desjardins declared the Public Hearing for Bylaw No. and Bylaw No. closed at 8:43 PM.

Council recessed at 8:43 PM and reconvened at 8:55 PM with all members of Council present.

7) Consideration of Staff Recommendation

Council comments included:

- * Appreciation for the proposed social connectedness model and for the allowance of pets.
- * Responsiveness of the applicant to concerns raised by committees and residents.
- * Fit within neighbourhood including proposed height and density.
- * Assist in revitalizing the area.
- * Being cautious about amending the Official Community Plan.

- * Housing affordability and increasing availability of housing.
- * Need for this type of seniors housing in the community.
- * Shadowing concerns mitigated by the shadow study.
- * Adequate parking provided for the site mitigating impact to street parking.

Moved by Councillor Brame, seconded by Councillor Helliwell:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3026, attached to Staff Report No. DEV-21-025 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 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265], all shown cross hatched on Schedule 'A' of Bylaw No. 3026, from 'Neighbourhood Commercial Mixed-Use' 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 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265], all shown cross hatched on Schedule 'A' of Bylaw No. 3026, from Development Permit Area No.6 - Multi-Family Residential to Development Permit Area No.4 - Commercial;

be considered for third reading;

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3027, attached to Staff Report DEV-21-025 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], from C-1 [Convenience Commercial] and by changing the zoning designation of 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11, Esquimalt District, Plan 265], from RM-4 [Multiple Family Residential], all shown cross-hatched on Schedule "A" of Bylaw No. 3027, to CD No. 136 [Comprehensive Development District No. 136], be considered for third reading;

3. That, as the applicant wishes to assure Council that uses and development will be restricted and amenities provided as identified in Staff Report DEV-21-025, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 819 Esquimalt Road [PID 009-205-292 Lot 20, Section 11, Esquimalt District, Plan 265], 821 Esquimalt Road [PID 009-205-276 Lot 19, Section 11, Esquimalt District, Plan 265], and 823 Esquimalt Road [PID 006-854-940 Lot 18, Section 11,

Esquimalt District, Plan 265] 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 819 Esquimalt Road, 821 Esquimalt Road, and 823 Esquimalt Road prior to development as the proposed CD No.136 Zone does not work unless the parcels are consolidated.
- Granting of a Statutory Right of Way across the northernmost 3.0 metres of the combined parcel frontage to allow for the installation of a public sidewalk and all associated rights to pass over this portion of the lands.
- Sidewalk, not less than 2.0 metres in width, be installed across the parcel frontage within the Statutory Right of Way.
- Inclusion of not less than three (3) street trees, and associated tree collars, tree grates and tree wells, and having a caliper of not less than 7.0 centimetres with additional specifications subject to approval by the Director of Parks and Recreation Services, be installed along the frontage of the consolidated parcel.
- Inclusion of not less than three (3) shade trees, and associated tree collars, tree grates and tree wells, and having a caliper of not less than 7.0 centimetres with additional specifications subject to approval by the Director of Parks and Recreation Services, be installed along Rear Lot Line of the consolidated parcel.
- Required visitor parking spaces will be provided and remain designated Visitor spaces in perpetuity.
- That the consolidated parcel is not to be subdivided (to prevent stratification).
- That the building height and massing be restricted to a maximum height of eight-storeys and a maximum Floor Area Ratio of 3.0.
- Prohibition on the use of Natural Gas as an energy source for space heating in the building.
- 8 Commercial designated parking spaces secured for intended use.
- Installation of "Greenscreen" modular trellis wall panel system on both the east and west walls of the building from the second to the eighth storey and all associated plantings as determined by a BC Landscape Architect.

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3026 and Amendment Bylaw No. 3027 to Council for consideration of adoption; and

4. That, as the applicant wishes to assure Council that the proposed building will be used for seniors oriented multiple family rental housing, the applicant, upon securing the ownership of the three subject properties, has voluntarily offered to enter into a Housing Agreement with the Township, as drafted by the Township's solicitor (at the applicant's expense),

including but not limited to all of the following:

- The Housing Agreement Bylaw has a term of 20 years, during which time the units must be used for rental.
- All 92 residential units must be used for rental residences offered to seniors over the age of 55 years old.
- Unless otherwise approved by the Director of Development Services, no rental unit shall be rented to any corporate entity.
- Unless otherwise approved in writing by the Director of Development Services, no tenant may rent more than one rental unit.
- No rental unit will be occupied for any purpose except for a rental residence.
- Unless otherwise approved by the Director of Development Services, rental units will only be used as a principal residence of a tenant.
- The Owner will not permit a rental unit to be used for short-term rental purposes (being rentals for periods shorter than 30 consecutive days).
- Through participation in the owners Volunteer Program, tenants who volunteer more than or equal to 10 hours per month shall be entitled to a \$200 reduction in their monthly rental fees.

Should Council read Bylaw No. 3026 and Bylaw No. 3027 a third time, a Housing Agreement Bylaw shall be presented to Council for consideration of the first three readings prior to the applicant returning to Council for consideration of adoption of the OCP amendment and Zoning amendment bylaws.

Amendment Motion:

Moved by Councillor Morrison, seconded by Councillor Brame: That the Main Motion be amended to include the following as part of the Section 219 Covenant:

- Inclusion of complimentary BC transit bus passes offered to tenants in the first year of occupancy at the applicants expense. Carried Unanimously.

Amendment Motion:

Moved by Councillor Morrison, seconded by Councillor Hundleby: That the Main Motion be amended to include the following as part of the Section 219 Covenant:

- Permanent inclusion of the storefront commercial unit as proposed. Carried Unanimously.

The vote was taken on the Main Motion as Amended and declared Carried.

In Favour: 6 - Mayor Desjardins, Councillor Brame, Councillor Helliwell, Councillor Hundleby, Councillor Morrison, and Councillor Vermeulen

Opposed: 1 - Councillor Armour

6. 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.

7. STAFF REPORTS***Engineering and Public Works***

- 1) [21-437](#) Tender Award for Single Axle Dump Truck, EPW-21-021

Director of Engineering and Public Works responded to questions from Council.

Council comments included consideration of hybrid electric options, reducing emissions, and cost savings opportunities.

Moved by Councillor Armour, seconded by Councillor Hundleby: That Council approve the award of the contract for the single axle dump truck, belly snowplow and salt/sand spreader to Harbour International Trucks (Bid 2) for a cost \$234,601.78 (GST excluded) as set out in Staff Report EPW-21-021. Carried Unanimously.

8. REPORTS FROM COMMITTEES

- 1) [21-445](#) Adopted Minutes of the APC Design Review Committee, July 14, 2021

This item was received.

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

- 1) [21-434](#) Email from Tania Downey, Family Navigator, Island Kids Cancer Association, dated August 19, 2021, Re: Childhood Cancer Awareness Month Proclamation Request

Moved by Councillor Brame, seconded by Councillor Hundleby:

WHEREAS: Childhood Cancer is the number one disease killer of children in Canada, killing more children between the ages of one and twenty than Asthma, Diabetes, Cystic Fibrosis and AIDS

combined. Every two minutes a child is diagnosed with cancer around the world every year. It is the second leading cause of death during childhood exceeded only by accidents;

AND WHEREAS: Every year more than 1700 children are diagnosed with Cancer in Canada;

AND WHEREAS: Every year in Canada over 300 children under the age of 20 years will lose their lives to cancer;

AND WHEREAS: Of the children who survive their initial cancer most will develop lifetime

side effects and are much more likely to

develop another form of malignant cancer

AND WHEREAS: The mental health of children and youth with cancer including their families should be paramount, and support attainable.

AND WHEREAS: Our children are our most precious resource and are truly valued by all

peoples of British Columbia.

THEREFORE BE IT RESOLVED that Mayor Desjardins, on behalf of the Township of Esquimalt, proclaim the month of September to be Childhood Cancer Awareness Month for the Island Kids Cancer Association, as requested in the email from Tania Downey, Family Navigator, Island Kids Cancer Association, dated August 19, 2021, Re: Childhood Cancer Awareness Month Proclamation Request. Carried Unanimously.

- 2) [21-447](#) 2) Late Item: Email from Tom Woods, dated August 27, 2021, Re: Ribfest Grant

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council direct staff to:

1. prepare a letter of support for the Esquimalt Firefighters Charitable Foundation in partnership with Esquimalt Ribfest to apply for the BC Fairs, Festivals, and Events Recovery Fund grant funding, as outlined in the email from Tom Woods, dated August 27, 2021, Re: Ribfest Grant;
2. forward information regarding the grant funding opportunity to Esquimalt community groups. Carried Unanimously.

10. RISE AND REPORT

There was no rise and report.

11. 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.

Muriel Dunn, *resident*, expressed concerns for the high cost of the dump truck and a desire to learn more about its function.

12. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:32 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS DAY OF , 2021

DEBRA HOPKINS, CORPORATE OFFICER
CERTIFIED CORRECT