



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Draft

Council

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

Monday, January 23, 2023

7:00 PM

Esquimalt Council Chambers

Present: 7 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Andrea Boardman
Councillor Duncan Cavens
Councillor Jacob Helliwell
Councillor Tim Morrison
Councillor Darlene Rotchford

Councillor Boardman attended the Regular Council meeting via conference call.

Staff: Dan Horan, Chief Administrative Officer
Bill Brown, Director of Development Services
Joel Clary, Director of Engineering and Public Works
James Davison, Manager of Development Services
Deb Hopkins, Manager of Corporate Services/Corporate Officer
Sarah Holloway, Deputy Corporate Officer/Recording Secretary

1. CALL TO ORDER

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

Councillor Morrison recognized and acknowledged the Songhees and Esquimalt Nations on whose traditional territory we live, we learn, and we do our work.

2. INTRODUCTION OF LATE ITEMS

- 1) [23-056](#) Late Correspondence
- 1) Item No.6.1 - Development Permit and Development Variance Permit
Application - 772 Dominion Road, Staff Report No. DEV-23-005
 - Xeniya Vins, applicant - received January 23, 2023
 - Radhika Graham- received January 23, 2023
 - Jean-Baptiste Wagret and Anne-Marie Gagnon- received January 23, 2023
 - Amy-Marie Miller- received January 23, 2023
 - Barbara Montgomery - received January 23, 2023
 - Paulette Bertels - received January 23, 2023
 - Lance Montgomery - 2 emails - received January 23, 2023

- Carly Abrahams - 2 emails - received January 23, 2023

3. APPROVAL OF AGENDA

Councillor Cavens requested that item 8.1 "Attendance at Local Government Leadership Academy Elected Officials Seminar Series 2023" be removed from the agenda and that the remaining items be renumbered accordingly.

Moved by Councillor Cavens, seconded by Councillor Rotchford: That the agenda be approved with the removal of item 8.1 "Attendance at Local Government Leadership Academy Elected Officials Seminar Series 2023"; and with the inclusion of the late items. Carried Unanimously.

4. ADOPTION OF MINUTES

1) [23-027](#) Minutes of the Regular Council Meeting held on December 19, 2022

[23-054](#) Minutes of the Regular Council meeting held on January 9, 2023

Moved by Councillor Rotchford, seconded by Councillor Helliwell: That the Minutes of the Regular Council Meeting held on December 19, 2022 and the Regular Council meeting held on January 9, 2023 be approved as circulated. Carried Unanimously.

5. PUBLIC INPUT ON AGENDA ITEMS 6 TO 9

Councillor Boardman joined the Regular Council meeting via conference call at 7:02 PM

Item 6.1) Development Permit and Development Variance Permit Application - 772 Dominion Road, Staff Report No. DEV-23-005

Carly Abrahams, resident, spoke in opposition due to lack of consultation with the neighbours, lack of privacy for her property, shadowing, and felt that the building footprint should be reduced.

Amy-Marie Miller, resident, spoke in opposition due to lack of notification and consultation with the neighbours.

Jean-Baptiste Wagret, resident, expressed concerns with the conservation of the existing trees and was opposed due to there being insufficient parking spaces for the site, the possibility of an increase in traffic, and did not feel that the units were large enough to be considered accessible units.

Lance Montgomery, resident, expressed opposition due to issues with the parking and cantilevered area.

Public Comment - not included in agenda item

Michael Brinton, resident, expressed the need for a sidewalk on Kinver Street to address pedestrian safety.

Item 6.1) Development Permit and Development Variance Permit Application
- 772 Dominion Road, Staff Report No. DEV-23-005

Jolanta Piszczek, non resident neighbour, spoke in support of the development due to its density which can accommodate younger families that need affordable homes. The resident approved of the thoughtful detailed plans and felt that it will be a beautiful development and addition to the neighbourhood.

James McDougall, resident spoke in support as they consider it to be a perfect fit for the area due to its smaller size and believes it will be easier to manage.

Janos Farkos, resident, expressed opposition due to the accessibility claims not meeting wheelchair standards and the limited parking on Devonshire Road, but felt that the smaller scale of the development was favourable.

Carly Abrahams, resident, requested a variation be made to the first floor layout that would decrease the building footprint and would allow for privacy of her property and gave screening suggestions.

6. STAFF REPORTS

Development Services

- 1) [23-007](#) Development Permit and Development Variance Permit Application – 772 Dominion Road, Staff Report No. DEV-23-005

The Manager of Development Services presented the application and prior to responding to questions from Council, highlighted the following updates made to the design:

- increase in parking spaces;
- building pulled away from the northern interior property line;
- exterior side and front setbacks from building decreased;
- peaked portion of the roof with a more recessed rooftop patio; and
- changes to the façade materials.

Xeniya Vins, applicant made a presentation and responded to questions from Council.

The applicant informed Council of the proposed improvements to the

frontage of the property which includes the boulevard and island that have been approved by the engineering departments of the Township of Esquimalt and the City of Victoria.

Council comments included:

- the impact on the windows on the north façade are concerning.
- the concerns expressed by the last Council have been addressed.
- the variances relate to the street side of the property and parking, so are supportable.
- the development helps support the missing middle housing.
- the lack of dialogue and meaningful conversation with neighbours is concerning.

Moved by Councillor Cavens, seconded by Councillor Helliwell: That Council approve Development Variance Permit No. DVP00127 attached as Appendix A and Development Permit No. DP000200 attached as Appendix B to Staff Report No. DEV-23-005, for the property located at 772 Dominion Road [PID 000-040-240 Lot 2, Section 10, Esquimalt District, Plan 13346] and that staff be directed to issue the permits and register the notices on the title of the property upon receipt of the landscape deposit..

Council discussion continued:

- a reduction in windows on the north side would effect the light and fresh air of potential residents.
- the frontage improvements are appreciated and a covenant to secure the boulevard approvals should be considered.
- other window options or screening should be considered.

Moved by Councillor Morrison, seconded by Councillor Rotchford: That the motion be amended to include the following: That approval of the application be subject to further screening and / or reduction of the 6 facing windows onto the north facing property. Defeated.

In Favour: 2 - Councillor Morrison, and Councillor Rotchford

Opposed: 5 - Mayor Desjardins, Councillor Armour, Councillor Boardman, Councillor Cavens, and Councillor Helliwell

The Director of Engineering confirmed that both the Township and the City of Victoria are in support of the proposed landscape plan for the frontage and boulevard.

Moved by Councillor Morrison, seconded by Councillor Helliwell: That the motion be amended to include the following:

That Township staff and legal counsel be directed to register a Section 219 Covenant on the title of the subject property to secure the proposed boulevard improvements as negotiated with the Engineering Departments of the Township of Esquimalt and the City of Victoria. Carried Unanimously.

MAIN MOTION AS AMENDED:

Moved by Councillor Cavens, seconded by Mayor Desjardins:

1. That Council approve Development Variance Permit No. DVP00127 attached as Appendix A and Development Permit No. DP000200 attached as Appendix B to Staff Report No. DEV-23-005, for the property located at 772 Dominion Road [PID 000-040-240 Lot 2, Section 10, Esquimalt District, Plan 13346] and that staff be directed to issue the permits and register the notices on the title of the property upon receipt of the landscape deposit.

2. That Township staff and legal counsel be directed to register a Section 219 Covenant on the title of the subject property to secure the proposed boulevard improvements as negotiated with the Engineering Departments of the Township of Esquimalt and the City of Victoria. Carried with Councillor Rotchford Opposed.

In Favour: 6 - Mayor Desjardins, Councillor Armour, Councillor Boardman, Councillor Cavens, Councillor Helliwell, and Councillor Morrison

Opposed: 1 - Councillor Rotchford

7. BYLAW READINGS NOT SUBJECT TO A PUBLIC HEARING

- 1) [23-040](#) Proposed Amendment to Officers Bylaw No. 2777, Staff Report No. ADM-23-003

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council give first, second, and third readings to Officers Bylaw, 2011, No. 2777, Amendment Bylaw, 2023, No. 3093.. Carried Unanimously.

8. REPORTS / MINUTES FROM COMMITTEES

- 1) [23-053](#) Recommendations from the Committee of the Whole Meeting of January 16, 2023 - Resolutions to be Ratified

Moved by Councillor Armour, seconded by Councillor Cavens: That the recommendations from the Committee of the Whole meeting of January 16, 2023 be ratified:

1. Tillicum and Lampson Active Transportation Improvements, Staff Report No. EPW-23-001

a) "That the COTW recommend to Council that staff be directed to finalize designs for active transportation improvements on Tillicum and Lampson corridors, with the following additions based on public engagement:

- additional traffic calming islands on Lampson Street between Craigflower Road and Transfer Street;
- review an additional flashing beacon crosswalk on Lampson Street at Fernhill Road;
- review of the Lampson Street and Devonshire Road / Rockheights Avenue intersection for an additional flashing beacon multi-use crosswalk

and southbound left turn lane;

- widen the sidewalk on Old Esquimalt Road between Lampson Street and Head Street as described in Staff Report No. EPW-23-001.

b) That the COTW recommend to Council that the design for the active transportation improvements on Tillicum and Lampson corridors be referred to the Environment, Parks and Recreation Advisory Committee for information.”

2. Low Carbon Energy Systems - Provincial Building Carbon Pollution Standard Update, Staff Report No.: DEV-23-006

“That the Committee of the Whole recommend that staff be directed to continue monitoring the Provincial implementation of the Energy Step Code and Carbon Pollution Standard, bring forward Building Bylaw amendments for Council's consideration that support an implementation timeline for the Carbon Pollution Standard similar to other regional municipalities, and bring back options for restricting natural gas connections in new developments during the rezoning process. Carried Unanimously.

9. COMMUNICATIONS

For Council's Consideration

- 1) [23-044](#) Email from Suzy Groenewegen, Fibromyalgia Association
Re: Request for Proclamation and Illumination

Moved by Councillor Armour, seconded by Councillor Rotchford: That staff be directed to illuminate the Esquimalt Adventure Park and Archie Browning Sports Centre purple from dusk on May 12th until dawn on May 13th, 2023 in recognition of Fibromyalgia Awareness Day; and that the following Proclamation be made:

WHEREAS: Fibromyalgia Awareness Day aims to raise awareness and end the stigma and discrimination that accompany this chronic illness.

WHEREAS: Fibromyalgia Association Canada is the only national organization in Canada that supports only fibromyalgia; and

WHEREAS: Fibromyalgia affects about 5% of Canada's population – over 2,000,000 men, women and children of all ages and races in Canada are afflicted with this chronic illness; and

WHEREAS: Fibromyalgia often takes an average of three (3) to five (5) years to diagnosis; and

WHEREAS: there is no known cause of, prevention of, or cure of fibromyalgia; and

WHEREAS: Fibromyalgia (FM) is a complex illness whose symptoms vary widely and may include debilitating chronic pain, overwhelming fatigue, and cognitive impairment; and

WHEREAS: patients with Fibromyalgia often have a number of co-existing conditions, which may include chronic myofascial pain, irritable bowel syndrome (IBS), temporomandibular joint disorder (TMJ), environmental

sensitivities, anxiety and depression; and

WHEREAS: Fibromyalgia (FM) greatly reduces quality of life, can cause total disability and also affect families, friends and employers. Living with chronic pain and fatigue on a daily basis can lead to social isolation, so it is important for sufferers and their families, friends, and caregivers to know that they are not alone.; and

WHEREAS: people with Fibromyalgia (FM) have a right to be treated with dignity and have a right to pain relief; and

WHEREAS: together we will find ways to enhance the quality of lives for people affected by fibromyalgia and together find a cure.

THEREFORE, I, Barbara Desjardins, Mayor of the Corporation of the Township of Esquimalt, do hereby proclaim May 12, 2023 as FIBROMYALGIA AWARENESS DAY Carried Unanimously.

10. PUBLIC COMMENT PERIOD

Doug Scotty, resident, requested that developers abide by rules for the accessibility of people living in the areas that are under development and have construction on their street.

11. RESOLUTION TO CLOSE THE MEETING PURSUANT TO SECTION 90 OF THE COMMUNITY CHARTER

Moved by Councillor Rotchford, seconded by Councillor Cavens: That pursuant to Sections 90 (1) (a), (c), (d) and (j) of the Community Charter, the meeting be closed to the general public to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; labour relations or other employee relations; the security of the property of the municipality; and, information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act. Carried Unanimously.

12. ADJOURNMENT

Moved by Councillor Armour, seconded by Councillor Rotchford: That the Regular Council meeting be adjourned at 8:31 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS DAY OF , 2023

DEBRA HOPKINS, CORPORATE OFFICER
CERTIFIED CORRECT