



**CORPORATION OF THE
TOWNSHIP OF ESQUIMALT**
Minutes - Final
Council

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

Monday, February 26, 2024

6:00 PM

Esquimalt Council Chambers

**THE REGULAR MEETING OF COUNCIL RECONVENES AT 7:00 PM
WITH MEMBERS OF THE PUBLIC IN ATTENDANCE**

Present: 6 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Duncan Cavens
Councillor Jacob Helliwell
Councillor Tim Morrison
Councillor Darlene Rotchford

Regrets: 1 - Councillor Andrea Boardman

Staff: Dan Horan, Chief Administrative Officer
Deb Hopkins, Director of Corporate Services/Corporate Officer
Bill Brown, Director of Development Services
Alex Tang, Planner
Sarah Holloway, Deputy Corporate Officer/Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the Regular Council meeting to order at 6:00 PM.

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

Moved by Councillor Rotchford, seconded by Councillor Cavens: That pursuant to Section 90(1) (a), (c), (d) and (i) 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, the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. Carried Unanimously.

II. CLOSED MEETING

III. RECONVENE THE REGULAR MEETING OF COUNCIL AT 7:00 PM WITH MEMBERS OF THE PUBLIC IN ATTENDANCE

Mayor reconvened the Regular Council meeting at 7:01 PM

Councillor Helliwell acknowledged the Lekwungen speaking peoples on whose territory this township building stands, and recognized with respect the First Nations governments, the Songhees and Esquimalt Nations.

2. INTRODUCTION OF LATE ITEMS

1) [24-128](#) Late Correspondence

1) Item 6.1 - Rezoning Application - 899 Esquimalt Road, Staff Report No. DEV-24-006

- Garry Hansen - received February 21, 2024
- Betty Yelden - received February 21, 2024
- Susanne Currie and Willie MacGillivray - received February 21, 2024
- Jacques and Isabelle Lacoste - received February 21, 2024
- Kim Bellefontaine - received February 21, 2024
- Craig Moddle - received February 22, 2024
- Rozlynn Mitchell - received February 22, 2024
- Hilary Strang - received February 22, 2024
- Daniel and Judy Bellefontaine - received February 22, 2024
- Tia and Che Way - received February 22, 2024
- Trevor Curtis - received February 23, 2024
- Ron Driedger - received February 23, 2024
- Babak Nikbakhtan - received February 23, 2024
- Colin Maclock - received February 23, 2024
- Heather Aked - received February 23, 2024
- Melissa Cannady - received February 24, 2024
- Laura Dane - received February 24, 2024
- Marie Fidoe - received February 24, 2024
- Carole Witter - received February 24, 2024
- Cindy Fristoe - received February 25, 2024
- Geoff Murray - received February 25, 2024
- Rosemary Murray - received February 25, 2024
- Judith Phillips - received February 25, 2024
- Scott White - received February 25, 2024
- Mark and Kathie Aitken - received February 26, 2024
- Wolfgang and Dagmar Beimen - received February 25, 2024
- Chris Frye - received February 25, 2024
- Dean - received February 25, 2024
- Andrew Stoddart - received February 25, 2024
- Clay Barber - received February 26, 2024

- Andrew Stoddart - received February 26, 2024
 - Jennifer Atkinson - received February 26, 2024
 - Praveen Sandhu - received February 26, 2024
 - Darryl Van Tine - received February 26, 2024
 - Harold Deck - received February 26, 2024
 - Valerie Hostetler - received February 26, 2024
- 2) Item 6.2 - Rezoning Application - 958 Wollaston Street, Staff Report No.DEV-24-008
- Shirley Olmstead - received February 26, 2024
- 3) Item 7.1 - Proposed Amendments to Maintenance of Property and Nuisance Regulation Bylaw, Staff Report No. ADM-24-012
- Kathy Whitcher, Urban Development Institute, received February 26, 2024
- 4) Item 7.2 - Development Application Procedures and Fees Bylaw Amendment, Second and Third Readings, Staff Report No. DEV-24-014
- Vijay Bhangu - received February 26, 2024

3. APPROVAL OF AGENDA

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

4. ADOPTION OF MINUTES

- 1) [24-106](#) Minutes of the Regular Council meeting held on January 29, 2024
- 2) [24-107](#) Minutes of the Regular Council meeting held on February 5, 2024

Moved by Councillor Rotchford, seconded by Councillor Cavens: That the minutes of the Regular Council meeting held on January 29, 2024 and the minutes of the Regular Council meeting held on February 5, 2024 be adopted as circulated. Carried Unanimously.

5. PUBLIC INPUT ON AGENDA ITEMS 6, 7, 8 AND 9.

Prior to allowing public input the Mayor addressed a hoax that occurred in the Township. A poster was distributed informing residents to contact Mayor and Council to be added to a list if they needed a new family doctor. Council received 140 emails from residents in response to this misinformation, and it has caused great harm and hurt for those looking for a family practitioner. Registration is not through Council, but through www.healthlinkbc.ca. If you are already attached to a practitioner anywhere in BC you are not eligible to register. The Mayor stated that she will talk to the Minister of Health, Island Health and the Western Communities Operations Committee on this important matter.

The Mayor outlined the rules of public input and reminded residents that this

was not a public hearing and the public would only be allowed to speak once.

Item 6. 1) Rezoning Application - 899 Esquimalt Road, Staff Report No. DEV-24-006

Chris Fitzpatrick, owner of the Vista building, spoke in support as real estate development costs have become stratospheric, the two storey addition will create needed additional housing and the amenity contribution is an extraordinary offer.

Doug Scott, resident, spoke in opposition to the additional floors and did not agree with the excuses used of rising costs of development and the housing crisis. The resident also mentioned that the safety issues at the development have effected his property and cause him a great deal of stress.

Susanne Currie, resident, spoke in opposition to the allowance of it being before Council again and that the building and density are high enough.

Gisele Relitz, resident, spoke in opposition, wanted the developer to be held to the originally approved development as it was achieved with community consultation.

Pat Rose, resident, spoke in opposition, mentioned that living next to the development has been disastrous and questioned why the Official Community Plan has not been honoured.

Janelle Anderson, resident, spoke in support of the development as the addition of two more storeys will provide further affordable living spaces, create an inclusive and diverse community and due to the additional units, it will increase the local business activities that shape a more vibrant future for Esquimalt.

Craig Miller, resident spoke in opposition and questioned how the building that has been built for 9 storeys can withstand an additional two storeys.

Kim Bellefontaine, resident, spoke in opposition as it is not the Township's responsibility to bail out a project that is no longer feasible, the proposed amendment ignores the previous public consultation process that highlighted the height being the largest issue, and by allowing an amendment it would set a precedent.

Strata President at 900 Wollaston Street, on behalf of her strata, spoke in opposition as the development already went through a public hearing

process, the height increase is not acceptable, the constructions site has had delays and safety concerns, and the request undermines community trust and transparency.

Praveen Sandhu, purchaser at the subject property, spoke in opposition as the approval of two additional floors would cause the loss of her sub penthouse property location and cause issues of legal liability.

Trevor Curtis, resident of Saanich, spoke in support due to the need of housing in Esquimalt and his desire to live in the Township.

A resident [Name not Provided], spoke in opposition as the additional units will not address affordable housing and the promise of space for a medical clinic is not an inducement for doctors to set up practice. The resident felt that the amenity package should not sway the decision of Council. The resident further mentioned that you can also register for a family physician by calling 811.

Ron Driedger, resident, spoke in opposition as it is an inappropriate fit for the neighbourhood.

Keyvan Shojania, resident of Victoria, spoke in support as the 16 units proposed will be available in months not years, and the amenity package could be used to attract a doctor, as the reason that there are no doctors in the community is the cost of living.

Valerie Hostetler, resident, spoke in opposition as she would prefer that the community remain on a human scale from a design point of view so to not include high rises that dominate the street.

Craig Moddle, resident, spoke in opposition due to parking issues in the area, and the development not providing affordable housing and questioned whether footings would be able to support the additional storeys.

A resident [Name not Provided], spoke in opposition as approving the amendment would set a precedent and it is not Council's responsibility to bail the development out of it's fiscal challenges.

6. STAFF REPORTS

Council recessed at 7:36 PM and returned at 7:40 PM with all of Council present.

- 1) [24-022](#) Rezoning Application - 899 Esquimalt Road, Staff Report No. DEV-24-006

Alex Tang, Planner, presented a PowerPoint and with the Director of Development Services, responded to questions from Council.

The application proposes to amend the CD No. 120 zone to accommodate an additional two storeys to the multiple family residential building with medical clinic space, and offers the amenity of transferring a residential unit to the Township at no cost.

Babak Nikbakhtan, applicant, presented a Powerpoint and responded to questions from Council.

Council comments included the following:

- The amenity is a nice addition but the decision will not be based on any amenities offered but on the merit of the application.
- The APC Design Review Committee recommended approval as it meets the Township's Official Community Plan and does not significantly increase the shadows.
- The rising costs of construction are recognized.
- The additional units may not fit the definition of affordable but will assist with the availability of units needed in the Township.
- The Township should not be taking on the responsibilities of being a landlord, so the amenity unit is not of interest.
- The massing and height as originally proposed is appropriate and an increase is not supportable.
- The density of the small site is of concern so increasing the density is not supportable.
- The changing of policy mid development is not agreeable for communities so the original decision should be upheld.
- COVID negatively effected the timelines and affordability of developments.
- This is an opportunity to add 16 units to the housing stock in the Township within a year.
- The unit sizes are family friendly.
- The viability of the project is of concern as is, if the project is left half built and remains as an eyesore.
- The location supports density as it is walkable, close to bus stops and easy access to trails.
- The proposed additional 16 units will help with the housing crisis without having an impact on the footprint of the building.

Moved by Councillor Armour, seconded by Councillor Helliwell: That Council give first, second, and third reading to Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2024, No. 3131. Defeated with Councillors Cavens, Morrison and Rotchford Opposed.

In Favour: 3 - Mayor Desjardins, Councillor Armour, and Councillor Helliwell

Opposed: 3 - Councillor Cavens, Councillor Morrison, and Councillor Rotchford

2) [24-046](#) Rezoning Application – 958 Wollaston Street, Staff Report No. DEV-24-008

Alex Tang, planner, presented a PowerPoint and responded to questions from Council.

The application proposes to rezone a parcel containing a single-family dwelling into a zone that would accommodate a 4-unit multiple-family dwelling.

Graeme Verhulst, architect and shareholder, presented a PowerPoint and responded to questions from Council.

Council comments included the following:

- The proposed application is an appropriate design and is an example of what Bill 44 proposes the single family zoning designations will change to going forward.
- The application will ultimately fit in with the neighbourhood very well and provides gentle density.

Moved by Councillor Cavens, seconded by Councillor Morrison: That Council give first, second, and third reading to, Zoning Bylaw, 1992, No. 2050, Amendment Bylaw, 2022, No. 3110. Carried Unanimously.

7. **BYLAW READINGS NOT SUBJECT TO A PUBLIC HEARING**

1) [24-113](#) Proposed Amendments to Maintenance of Property and Nuisance Regulation Bylaw, Staff Report No. ADM-24-012

The Director of Corporate Services introduced the report and responded to questions from Council.

Council comments included the following:

- Staff should be permissive with exceptions and not view the bylaw rigidly, as it is meant to promote being good neighbours.
- Communications should be distributed to residents as the bylaw change came about from resident concerns.
- Construction and development companies should be informed of the change of allowable construction noise in the Township.

Moved by Councillor Cavens, seconded by Councillor Armour: That Council give three readings to "Maintenance of Property and Nuisance Regulation Bylaw, 2014, No. 2826, Amendment Bylaw, 2024, No. 3133". Carried Unanimously.

Council discussion continued:

- Bylaw adoption should be delayed to allow construction sites time to adjust their work schedules.
- Staff should communicate with construction and development companies about the changes to the bylaw.
- Construction projects that are currently in progress should have exceptions allowed.
- A delay in the bylaw adoption by 60 days is reasonable as construction companies may need to change accommodation rentals for staff or have other commitments that may inflict penalties if not enough notice is given.

Moved by Councillor Cavens, seconded by Mayor Desjardins: That Council direct staff to delay the adoption of "Maintenance of Property and Nuisance Regulation Bylaw, 2014, No. 2826, Amendment Bylaw, 2024, No. 3133" for 60 days to allow for notification to be given to construction and development companies. Carried Unanimously.

2) [24-103](#) Development Application Procedures and Fees Bylaw Amendment, Second and Third Readings, Staff Report No. DEV-24-014

The Director of Development Services introduced the report and responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Helliwell: That Council give second reading to "Development Application Procedures and Fees Bylaw No. 2791, 2012, Amendment Bylaw, 2024, No. 3119" as outlined in Staff Report No. DEV-24-014. Carried Unanimously.

Council comments included the following:

- A change to the minor variances for building heights should be up to 2.3 metres instead of 1 metre to allow for more discretion such as height changes on grades and roofs, but would still remain less than one storey.
- The 1 metre height is reasonable whereas the 2.3 metres height falls into the political realm, so is not supportable.

Moved by Councillor Cavens, seconded by Councillor Helliwell: That the bylaw be amended in Schedule "A" 38A. (b) ii. to replace 1 metre with 2.3 metres. Carried with Councillor Morrison Opposed.

In 5 - Mayor Desjardins, Councillor Armour, Councillor
Favour: Cavens, Councillor Helliwell, and Councillor Rotchford

Opposed: 1 - Councillor Morrison

Moved by Councillor Cavens, seconded by Councillor Helliwell: That Council give second reading as amended to "Development Application Procedures and Fees Bylaw No. 2791, 2012, Amendment Bylaw, 2024, No. 3119". Carried Unanimously.

Moved by Councillor Morrison, seconded by Councillor Helliwell: That Council give third reading to "Development Application Procedures and Fees Bylaw No. 2791, 2012, Amendment Bylaw, 2024, No. 3119". Carried Unanimously.

8. REPORTS / MINUTES FROM COMMITTEES

- 1) [24-120](#) Recommendations from the Committee of the Whole Meeting of February 12, 2024

Moved by Councillor Armour, seconded by Councillor Cavens: That the recommendations from the Committee of the Whole meeting of February 12, 2024 be ratified:

1. Review of the Updated Integrated Parking Management Strategy and Parking Bylaw, Staff Report No. EPW-24-003

"That Committee of the Whole recommend that Council direct staff to amend the Frequent Transit Network Area in the draft Parking Bylaw to be 400 metres from a bus route."

"That Committee of the Whole recommend that Council direct staff to change the width dimension of an access door for Bicycle Parking to 1 metre in the draft Parking Bylaw."

"That the Committee of the Whole recommend that Council direct staff to differentiate the cash-in-lieu for parking policy for smaller developments."

"That the Committee of the Whole recommend that Council:

- a) direct staff to finalize the Parking Bylaw and bring it back to a future Council meeting for Council's consideration;
 - b) endorse the Integrated Parking Management Strategy;
 - c) direct staff to bring forward an Impact Assessment on implementing actions in the Integrated Parking Management Strategy; and
 - d) direct staff to continue processing requests for Residential Only Parking using the current process outlined in the Township's Guide to Traffic Calming until a Permit Parking process is in place;
- as described in Staff Report EPW-24-003." Carried Unanimously.

Council comments included the following:

- Affordable housing units should be incentivized by reducing parking minimums.
- An assumption should not be made that lower income residents do not need parking. The focus should remain on the 400 metre bus stop radius which will allow for Council to have some flexibility and ability to negotiate.

Moved by Councillor Cavens, seconded by Councillor Rotchford: That Council direct staff to look at further reducing the parking requirements for affordable housing units, including considering whether zero parking minimums would be appropriate, in order to incentivize the creation of affordable units in mixed projects or in dedicated affordable projects. Carried with Councillor Morrison Opposed.

In 5 - Mayor Desjardins, Councillor Armour, Councillor Favour: Cavens, Councillor Helliwell, and Councillor Rotchford

Opposed: 1 - Councillor Morrison

- 2) [24-116](#) Draft minutes of the Advisory Planning Commission meeting held on January 16, 2024

The minutes were received.

- 3) [24-117](#) Draft Minutes of the APC Design Review Committee meeting held on January 10, 2024

The minutes were received.

9. COMMUNICATIONS

For Council's Consideration

- 1) [24-108](#) Email from Kelly Burns dated February 8, 2024 Re: Light Up for Global Porphyria Awareness Day on May 18, 2024

Moved by Councillor Helliwell, seconded by Councillor Rotchford: That Council direct staff to illuminate the Archie Browning Sports Centre and Waterpark purple on May 18, 2024 for Global Porphyria Awareness Day. Carried Unanimously.

10. PUBLIC COMMENT PERIOD

There was no public comment.

11. ADJOURNMENT

Moved by Councillor Rotchford, seconded by Councillor Helliwell: That the Regular Council meeting be adjourned at 9:40 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS

THIS 18TH DAY OF MARCH, 2024

DEB HOPKINS,
CORPORATE OFFICER
CERTIFIED CORRECT