



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, April 9, 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
Scott Hartman, Director of Parks and Recreation
Anja Nurvo, Director of Corporate Services
Karen Hay, Acting Senior Planner
Rachel Dumas, Recording Secretary

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 and sent condolences to the Thomas Family and Esquimalt Nation following the passing of Chief Andy Thomas.

2. LATE ITEMS

The following late items were added to the agenda:

(1) Add as New Item 6. **STAFF REPORTS:** (1) Recommendation No. 1 from Staff Report DEV-18-018 Re: 429 Lampson Street [That Council resolves by a 2/3 majority of members to consider the Development Variance Permit Application No. DVP00075 prior to the end of the 6 month waiting period required by Section 3 of the Development Application Procedures and Fees Bylaw No. 2791, 2012], to deal with this Item prior to **Public Input**, and to renumber the balance of the Agenda accordingly.

(2) Pertaining to agenda Item 7. **STAFF REPORTS:** (4) Development Variance Permit, Development Permit and Heritage Alteration Permit amendments - 429 Lampson Street, Staff Report DEV-18-018:

* Corrected BC Land Surveyor's Building Location Certificate prepared by J.E.

Anderson & Associates, stamped "Received April 5, 2018"

* Email from Dianna & Scott Banister dated April 4, 2018, Re: Development Variance Permit Notice - 429 Lampson Street [English Inn]

* Email from Henry Louie and Don Lew dated April 5, 2018 Re: Development Variance Permit Notice - 429 Lampson Street

* Letter from Charles Hoeberechts and Patricia Pakvis, Owners, Hemingway's by the Sea Bed & Breakfast, dated April 5, 2018 Re: Council Meeting April 9, 2018 concerning Aragon's Variance requests

* Email from Lorraine Nygaard dated April 6, 2018 Re: Variance request for 429 Lampson Street

(3) Pertaining to Agenda Item 7. **STAFF REPORTS:** (7) Development Variance Permit - 915 Dellwood Road, Staff Report DEV-18-021:

* Email from Nancy Norell dated April 5, 2018 Re: Development Variance permit for property 915 Dellwood Road

(4) Add to Agenda Item 10. **COMMUNICATIONS:** New Item (6):

* Letter from Marcel Potvin dated March 27, 2018 Re: NDP Speculation Tax

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

1) [18-143](#) Minutes of the Regular Meeting of Council, March 19, 2018

Moved by Councillor Hundleby, seconded by Councillor Low: That the Minutes of the Regular Meeting of Council, March 19, 2018 be adopted as circulated. Carried Unanimously.

5. **PRESENTATIONS**

1) [18-089](#) Ameet Johal, Elle Fairley and Don Williams, Aragon Properties Ltd., Esquimalt Town Square Update

Ameet Johal, Director of Sales and Marketing, Aragon Properties Ltd, and Elle Fairley, Project Coordinator, Aragon Properties Ltd, provided an update on marketing campaign and construction for the Esquimalt Town Square development, presented a PowerPoint Presentation and responded to questions from Council.

2) [18-144](#) Kyle Kerr, President, Victoria Real Estate Board, Speculation Tax

Kyle Kerr, President, Victoria Real Estate Board, provided an overview of the NDP Speculation Tax, impact to realtors and property owners in the area and requested Council's support in requesting that Esquimalt be excluded in the implementation of the tax.

6. **STAFF REPORTS**

Development Services**18-158** Recommendation No. 1 from Staff Report DEV-18-018

Moved by Councillor Low, seconded by Councillor Burton-Krahn: That Council resolves by a 2/3 majority of members to consider the Development Variance Permit Application No. DVP00075 prior to the end of the 6 month waiting period required by Section 3 of the Development Application Procedures and Fees Bylaw No. 2791, 2012. Carried Unanimously.

7. PUBLIC INPUT (On items listed on the Agenda)**Excluding items which are or have been the subject of a Public Hearing.**

Wendy Swan, *resident*, opposed to deferring funding for washrooms at Memorial Park.

Christina Morgan, *resident*, opposed to variance request for 429 Lampson Street.

Don Lew jr, representing co-owners of neighbouring properties of 429 Lampson St, expressed set back and privacy concerns and impact to neighbours.

Scott Banister, *resident*, opposed to DVP application for 429 Lampson Street and expressed concerns with safety and privacy for neighbouring residents.

Neil Brown, *resident*, opposed to variance application for 429 Lampson St. expressed privacy, noise and set back concerns.

Colleen Ryan, *resident*, opposed to variance application for 429 Lampson Street.

Lorraine Nygaard, *resident*, opposed to variance application for 429 Lampson Street.

Marjorie Sandercock, *resident*, opposed to variance for 429 Lampson Street.

Lorraine Nygaard, *resident*, expressed privacy concerns regarding potential removal of existing bushes at 429 Lampson Street.

8. STAFF REPORTS**Finance****1) 18-145 2018 Tax Rate - Discussion, Ian Irvine, Director of Financial Services and Information Technology**

Director of Financial Services presented a PowerPoint Presentation, provided an overview of assessment value changes and 2018 tax rate scenarios ranging from 2.63% to 3.02% and responded to questions from Council.

Moved by Councillor Hundleby, seconded by Councillor Low: That Council approve a 2.90% Municipal Tax Revenue increase for 2018. Carried Unanimously.

2) 18-141 Local Grant Request - Esquimalt High School Robotics, Staff Report FIN-18-006

Moved by Councillor Brame, seconded by Councillor Morrison: That Council allow Esquimalt High School representatives to address Council. Carried Unanimously.

Tina O' Keeffe, Teacher, Esquimalt High School provided an overview of Esquimalt High School Robotics Program and funding required for 12 students and 2 mentors to travel and compete in the 2018 World Championship competition in Houston, Texas. Ms. O'Keeffe and 2 students responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Burton-Krahn: That Council approve the local grant request of \$5000 in full to Esquimalt High School Robotics with funds coming from the local grant account. Carried Unanimously.

Parks and Recreation

- 3) [18-142](#) Contract Award - Archie Browning Sports Centre Refrigeration Equipment Replacement, Staff Report P&R-18-005

Staff responded to questions from Council regarding timelines and allocation of funds.

Moved by Councillor Low, seconded by Councillor Brame: That Council: (1) award the contract for the Sports Centre Refrigeration Equipment Replacement project to Fraser Valley Refrigeration Ltd; and (2) approve an additional \$133,928 from the Capital Project Reserve Fund for the completion of the project. Carried Unanimously.

Moved by Councillor Morrison, seconded by Councillor Low: That the funds for construction of the Memorial Park washrooms remain within the 2018 Financial Plan. Carried Unanimously.

The meeting recessed at 8:22 PM and reconvened at 8:27 PM with all members of Council present.

Development Services

- 4) [18-136](#) Development Variance Permit, Development Permit and Heritage Alteration Permit amendments - 429 Lampson Street - Staff Report: DEV-18-018

Director of Development Services introduced Acting Senior Planner who provided an overview of DVP application for 429 Lampson Street and clarity of incorrect setback data on the previous building certificate which is corrected in the replacement certificate added as a late item.

Graham Fligg, Merrick Architecture, presented a PowerPoint Presentation, provided an overview of DVP, DP and Heritage Alteration permit applications for 429 Lampson Street and responded to questions from Council.

Comments included:

- * shape and setbacks of original building footprint
- * Removal of balconies and windows on North side to address privacy concerns
- * Perimeter walkway for emergency exit and maintenance staff use
- * Improved landscaping to address noise and privacy concerns.

Moved by Councillor Low, seconded by Councillor Brame: (1) That Council resolves that Development Variance) Permit No. DVP00075 [Appendix A] authorizing the development as shown on the B.C. Land Surveyor's Building Location Certificate prepared by J.E. Anderson and Associates, and the architectural drawings prepared by Merrick Architecture, both stamped 'Received February 21, 2018', 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 at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Street];

Zoning Bylaw 1992, No. 2050, Section 67.71 B. Site A (7)(a) Siting Requirements - Principal Building - A variance to the permitted perimeter of the principal building [Manor house - English Inn], shown on the Land Surveyor's Certificate prepared by McElhanney Consulting Services stamped 'Received September 9, 2013', by allowing a new footprint for the Manor house wing as illustrated on the B.C. Land Surveyor's Certificate prepared by J.E. Anderson and Associates, stamped 'Received February 21, 2018';

(2) That Council resolves that the Development Permit No. DP000072 - Amendment [Appendix B] authorizing the development as shown on the B.C. Land Surveyor's Building Location Certificate prepared by J.E. Anderson and Associates, stamped 'Received February 21, 2018', the Architectural Drawings prepared by Merrick Architecture stamped 'Received February 21, 2018', and the Landscape Plans prepared by Small and Rossell, Landscape Architects, stamped 'Received February 21, 2018', be approved, and staff be directed to issue the permit as amended (subject to receipt of the required landscape security), and register the notice on the title of the property located at PID 023-009-331, Lot B, Esquimalt District, Plan VIP60066 [429 Lampson Seet];

(3) That Council resolves that the Heritage Alteration Permit No. HAP00002 - Amendment [Appendix C] authorizing the development as shown on the architectural drawings prepared by Merrick Architecture stamped 'Received March 19, 2018' be approved. Carried Unanimously.

5) [18-137](#) OCP Amendment Consultation List - 833/835 Dunsmuir Road, Staff Report DEV-18-019

Moved by Councillor Brame, seconded by Councillor Liberchuk: That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan and Zoning Bylaw Amendment concept plan, attached as Appendix 'B' to Staff Report DEV-18-019, detailing the proposed development for 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] to those persons, organizations, and authorities identified in Appendix 'A' as amended with the inclusion of School Parent Advisory Councils, of Staff Report DEV-18-019. Carried

Unanimously.

- 6) [18-138](#) OCP Amendment Consultation List - 838/842 Admirals Road, Staff Report DEV-18-020

Director of Development Services responded to questions from Council regarding commercial properties.

Moved by Councillor Brame, seconded by Councillor Liberchuk: That Council, having considered Sections 475 and 476 of the Local Government Act, authorize staff to circulate the Official Community Plan and Zoning Bylaw Amendment concept plan, attached as Appendix 'B' to Staff Report DEV-18-020, detailing the proposed development for 838 Admirals Road [PID 005-074-011, Lot 17, Block 7, Section 10, Esquimalt District, Plan 2546 Except That Part in Plan VIP86845] and 842 Admirals Road [PID 006-324-118, Lot 16, Block 7, Section 10, Esquimalt District, Plan 2546] to those persons, organizations, and authorities identified in Appendix 'A' as amended with the inclusion of School Parent Advisory Councils, of Staff Report DEV-18-020. Carried Unanimously.

- 7) [18-139](#) Development Variance Permit - 915 Dellwood Road, Staff Report DEV-18-021

Councillor Low declared a conflict of interest as her brother's property adjoins the subject property and left the meeting at 9:10 PM.

Moved by Councillor Morrison, seconded by Councillor Liberchuk: That Council allow the applicant to address Council. Carried.

In Favour: 4 - Mayor Desjardins, Councillor Brame, Councillor Liberchuk, and Councillor Morrison

Opposed: 2 - Councillor Burton-Krahn, and Councillor Hundleby

Absent: 1 - Councillor Low

Moved by Councillor Morrison, seconded by Mayor Desjardins: That Council resolves that Development Variance Permit No. DVP00074 [Appendix A] authorizing the construction as shown on plans, stamped "Received February 20, 2018", and sited as detailed on the survey plans prepared by Kenneth Ng, BCLS, stamped "Received February 20, 2018", and including the following variances to the 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 at 915 Dellwood Road [PID 001-378-449, Lot B, Section 2, Esquimalt District, Plan 29588]:

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(iii) - Siting Requirements - Principal Building - A 3.12 metre decrease to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line, specifically for the deck located at the rear of the Principal Building. [i.e. from 7.5 metres to 4.38 metres]. Carried.

In Favour: 5 - Mayor Desjardins, Councillor Brame, Councillor Burton-Krahn, Councillor Liberchuk, and Councillor Morrison

Opposed: 1 - Councillor Hundleby

Absent: 1 - Councillor Low

Councillor Low returned to the meeting at 9:15 PM.

9. BYLAWS

- 1) [18-133](#) Bylaw Notice Enforcement Bylaw, 2014, No. 2839, Amendment Bylaw [No. 6], 2018, No. 2917 - For Adoption

Moved by Councillor Burton-Krahn, seconded by Councillor Brame: That Bylaw Notice Enforcement Bylaw, 2014, No. 2839, Amendment Bylaw [No. 6], 2018, No. 2917 be adopted. Carried Unanimously.

- 2) [18-134](#) Installation of Lock-Boxes Bylaw, 2013, No. 2797, Amendment Bylaw [No.1], 2018, No 2916 - For Adoption

Moved by Councillor Liberchuk, seconded by Councillor Hundleby: That Installation of Lock-Boxes Bylaw, 2013, No. 2797, Amendment Bylaw [No.1], 2018, No 2916 be adopted. Carried Unanimously.

10. REPORTS FROM COMMITTEES

- 1) [18-151](#) Adopted Minutes from the Advisory Planning Commission, January 16, 2018
- 2) [18-152](#) Adopted Minutes from the APC Design Review Committee, February 14, 2018
- 3) [18-153](#) Adopted Minutes from the Advisory Planning Commission, February 20, 2018
- 4) [18-154](#) Draft Minutes from the APC Design Review Committee, March 14, 2018
- 5) [18-155](#) Draft Minutes from the Advisory Planning Commission, March 20, 2018

Moved by Councillor Burton-Krahn, seconded by Councillor Low: That the Adopted Minutes from the Advisory Planning Commission, January 16, 2018, Adopted Minutes from the APC Design Review Committee, February 14, 2018, Adopted Minutes from the Advisory Planning Commission, February 20, 2018, Draft Minutes from the APC Design Review Committee, March 14, 2018 and Draft Minutes from the Advisory Planning Commission, March 20, 2018 be received. Carried Unanimously.

11. COMMUNICATIONS

- 1) [18-146](#) Email from Cathy Carphin, Greater Victoria Coalition to End Homelessness, dated March 19, 2018, Re: Dialogue and Resolution Workshop

Moved by Councillor Hundleby, seconded by Councillor Burton-Krahn: That the Email from Cathy Carphin, Greater Victoria Coalition to End Homelessness, dated March 19, 2018, Re: Dialogue and Resolution Workshop be received. Carried Unanimously.

- 2) [18-147](#) Email from Teunis de Jong, dated March 16, 2018, Re: Speculation Tax
- 3) [18-148](#) Letter from Casey Edge, Executive Director, Victoria Residential Builders Association, dated March 22, 2018, Re: Speculation Tax
- 4) [18-149](#) Email from Kyle Kerr, President, Victoria Real Estate Board, dated March 27, 2018, Re: Victoria Real Estate Board Needs Your Help to Prevent the Provincial Government from Comprimpising the Future of Local Housing
- 5) [18-150](#) Province of British Columbia, Ministry of Finance, Tax Information Sheet, B.C. Speculation Tax, Issued February 2018, Revised March 2018
- 6) [18-159](#) Letter from Marcel Potvin dated March 27, 2018 Re: NDP Speculation Tax

A motion was made by Councillor Hundleby, seconded by Councillor Morrison: (2) That the Email from Teunis de Jong, dated March 16, 2018, Re: Speculation Tax, (3) Letter from Casey Edge, Executive Director, Victoria Residential Builders Association, dated March 22, 2018, Re: Speculation Tax, (4) Email from Kyle Kerr, President, Victoria Real Estate Board, dated March 27, 2018, Re: Victoria Real Estate Board Needs Your Help to Prevent the Provincial Government from Comprimpising the Future of Local Housing, (5) Province of British Columbia, Ministry of Finance, Tax Information Sheet, B.C. Speculation Tax, Issued February 2018, Revised March 2018 and (6) Letter from Marcel Potvin dated March 27, 2018 Re: NDP Speculation Tax be received. Carried.

In Favour: 5 - Councillor Brame, Councillor Burton-Krahn, Councillor Hundleby, Councillor Liberchuk, and Councillor Morrison

Opposed: 2 - Mayor Desjardins, and Councillor Low

12. NOTICE OF MOTION

- 1) [18-140](#) Notice of Motion re First Nations Reconciliation - Next Steps, Mayor Barbara Desjardins and Councillor Beth Burton-Krahn - For Discussion

The Notice of Motion was introduced to Council and will be scheduled for the April 23, 2018, Regular Council meeting for discussion.

13. PUBLIC QUESTION AND COMMENT PERIOD

Excluding items which are or have been the subject of a Public Hearing. Limit of two minutes per speaker.

Mayor Desjardins called three times for public input and there was none.

14. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:31 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 23RD DAY OF APRIL, 2018

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT