



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, February 25, 2019

7:00 PM

Esquimalt Council Chambers

Present: 6 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Jacob Helliwell
Councillor Lynda Hundleby
Councillor Tim Morrison
Councillor Jane Vermeulen

Absent: 1 - Councillor Meagan Brame

Staff: Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Blair McDonald, Director of Community Safety Services
Anja Nurvo, Director of Corporate Services / Recording Secretary
Rachel Dumas, Recording Secretary

Others: Inspector Keith Lindner, VicPD, Esquimalt Division
Cst. Greg Shaw, VicPD, Esquimalt Division

1. **CALL TO ORDER**

Mayor Desjardins called the Regular Council meeting to order at 7:02 PM.

Mayor Desjardins acknowledged with respect that we are within the Traditional Territories of the Esquimalt and Songhees First Nations.

2. **LATE ITEMS**

The following late item was added to the agenda:

(1) Add to Item 9. **STAFF REPORTS:** (3) Development Variance Permit - 1181
Old Esquimalt Road, Staff Report DEV-19-014:

* Email from Drew and Marie Fidoie dated February 21, 2019, Re: 1181
Esquimalt Road - Development Variance Notice

3. **APPROVAL OF THE AGENDA**

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

4. **MINUTES**

- 1) [19-082](#) Minutes of the Special Meeting of Council, February 4, 2019

- 2) [19-083](#) Minutes of the Regular Meeting of Council, February 4, 2019

Moved by Councillor Hundleby, seconded by Councillor Armour: That the Minutes of the Special Meeting of Council, February 4, 2019 and Minutes of the Regular Meeting of Council, February 4, 2019 as amended, be adopted. 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) [19-084](#) Notice of Public Hearing - Rezoning Application - 821, 823 & 825 Wollaston Street
- 2) **Background Information - Available for Viewing Separately**
- 3) **Director of Development Services - Overview of Application**
 - a) [19-077](#) Rezoning Application - 821,823 and 825 Wollaston Street, Staff Report DEV-19-015

Director of Development Services provided an overview of rezoning application, presented a PowerPoint Presentation and responded to questions from Council.

- 4) **Applicant or Authorized Representative - Overview of Application**

The Township initiated the rezoning application.

- 5) **Public Input**

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

- 6) **Adjournment of Hearing**

The Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2952, adjourned at 7:11 PM.

- 7) **Consideration of Staff Recommendation**

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2952 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 821,823 & 825 Wollaston Street [PID 026-216-485, 026-216-507, 026-216-493, Strata Lot 1,2 & 3 Section 11 Esquimalt District Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V] from RD-2 Zone [Two Family Small Lot Residential] to CD. No. 117 [Comprehensive Development District No. 117] be given third reading and adoption. Carried

Unanimously.

6. PRESENTATIONS

- 1) [19-085](#) Kristy Kilpatrick and Megan Sakuma, Urban Wildlife Stewardship Society, Re: 2018 Deer Count Results

Kristy Kilpatrick and Megan Sakuma, Urban Wildlife Stewardship Society, provided an overview of Fall 2018 Deer Count Results, presented a PowerPoint Presentation and responded to questions from Council. The purpose of annual deer counts over a three year period is to understand possible fluctuations and trends, including population size, carrying capacity, home ranges, general health of deer and movement patterns. The results determined that the true number of bucks in Esquimalt falls between 26 and 44, with a mean of 35 and based on data collected, there are between 100 to 170 deer in Esquimalt, with a mean of 135 deer.

- 2) [19-086](#) Cst. Greg Shaw, Community Resource Officer, Esquimalt Division, Victoria Police - Crime Free Multi-Housing

Cst. Greg Shaw, Community Resource Officer, VicPD, Esquimalt Division, provided an overview of Crime-Free Multi-Housing Program, presented a PowerPoint Presentation and responded to questions from Council. The purpose of the program is to provide a safer and more habitable environment for residents. Certification of the building includes completion of the following 3 phases:

- (1) Eight hour training session for management
- (2) Security assessment of building
- (3) Tenant safety social to promote sense of community

Upon successful completion of the program, the building is entered into a registry and identified by signage.

7. DELEGATIONS

- 1) [19-087](#) Bruce Gibbons, Merville Water Guardians - Revise Zoning Bylaw to Restrict Bottling of Groundwater

Bruce Gibbons, Merville Water Guardians, requested Council consider amending Zoning Bylaw to restrict and further, prevent the bottling and selling of groundwater and support the Strathcona Regional District resolution before AVICC in April prohibiting the bottling of groundwater.

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

Muriel Dunn, *resident*, expressed concerns regarding number of deer in Esquimalt and impact to neighbourhood.

Marie Fidoe, *resident*, in support of DVP for 1181 Old Esquimalt Road and and higher fences to discourage deer.

Lee Mihalcheon, *resident*, expressed safety concerns with number of deer in community.

Garry Gilchrist, *resident*, in opposition of DVP for 404 Constance Ave, expressed concerns with data in provided to APC and APC recommendation and provided

alternate options for consideration.

Vanessa Pattison, *resident*, applicant of DVP for 404 Constance Avenue, provided rationale for application.

Garry Gilchrist, *resident*, expressed safety concerns with fence height and impact to streetscape in area and suggested alternate options.

9. STAFF REPORTS

Administration

- 1) [19-078](#) Fees and Charges Bylaw Amendment, Staff Report ADM-19-005

Moved by Councillor Vermeulen, seconded by Councillor Hundleby: That Council give first, second and third reading to Fees and Charges (Miscellaneous) Bylaw, 2016, No. 2874, Amendment [No. 3], 2019, No. 2956. Carried Unanimously.

Development Services

- 2) [19-075](#) Development Variance Permit - 404 Constance Avenue, Staff Report DEV-19-013

Director of Development Services provided an overview of application and rationale and responded to public concerns and questions from Council.

Moved by Councillor Morrison, seconded by Councillor Helliwell: That Council resolves that Development Variance Permit No. DVP00080 [Appendix A] legitimizing the existing fence as sited on Site Plan prepared by Brad Cunnin, Land Surveyor Inc., stamped "Received June 12, 2018", and as shown in photographs provided, stamped "Received September 10, 2018", and to include the following variance to the Zoning Bylaw, 1992, No. 2050, for the property located at 404 Constance Avenue [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976], be approved, and staff be directed to issue the permit and register the notice on the title of the property:

Zoning Bylaw, 1992, No.2050, Section 36(10) - Fencing - A 0.65 increase to the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. [i.e. from 1.2 metres to 1.85 metres]. Carried.

In Favour: 4 - Mayor Desjardins, Councillor Armour, Councillor Helliwell, and Councillor Morrison

Opposed: 2 - Councillor Hundleby, and Councillor Vermeulen

Absent: 1 - Councillor Brame

- 3) [19-076](#) Development Variance Permit - 1181 Old Esquimalt Road, Staff Report DEV-19-014

Director of Development Services responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Vermeulen: That Council resolves that Development Variance Permit No. DVP00083

[Appendix A] legitimizing the existing deck as sited on the proposed subdivision plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received October 12, 2018" and referenced in archived building drawings, stamped " Received February 15, 2016" and to include the following variance to the Zoning Bylaw, 1992, No. 2050, for the property located at 1181 Old Esquimalt Road [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V] be approved, and staff be directed to issue the permit and register the notice on the title:

Zoning Bylaw, 1992, No.2050, Section 34 (9)(a)(ii) - Setback Requirements - Principal Building - A 0.3 metre decrease to the requirement that no principal building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not less than 4.5 metres, [i.e. from 4.5 metres to 4.2 metres]. Also to the requirement in case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less 3.0 metres [i.e. 3.0 metres to 2.7 metres], specifically for the deck located at the south west corner of the principal building. Carried Unanimously.

- 4) [19-079](#) Adoption of Zoning Bylaw, 1992, NO. 2050, Amendment Bylaw No. 2938, Staff Report DEV-19-017

Moved by Councillor Armour, seconded by Councillor Hundleby: That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2938, attached as Appendix "A" to Staff Report DEV-19-017, be adopted. Carried Unanimously.

- 5) [19-080](#) Rezoning Application - 939 Colville Road and 825 Lampson Street, Staff Report DEV-19-016

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council resolves that Bylaw No. 2942 attached as Appendix 'A' of Staff Report DEV-19-016, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 939 Colville Road [PID 005-752-655; Lot 1, Block 1, Section 10, Esquimalt District, Plan 6277] shown cross-hatched on Schedule 'A' of Bylaw No. 2942 from Single Family Bed and Breakfast [RS-4] to Comprehensive Development District No. 112 [CD. No. 112]; and by changing the zoning designation of 825 Lampson Street [PID 000-017-817; Lot 2, Block 1, Section 10, Esquimalt District, Plan 6277] shown cross-hatched on Schedule 'A' of Bylaw No. 2942 from Comprehensive Development District No. 90 [CD No. 90] to Comprehensive Development District No. 112 [CD. No. 112] be given adoption. Carried Unanimously.

- 6) [19-081](#) Rezoning Application - 833 and 835 Dunsmuir Road, Staff Report DEV-19-018

Moved by Councillor Hundleby, seconded by Councillor Armour: That Council resolves that Amendment Bylaw No. 2924, attached to Staff

Report DEV-19-018 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 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], both shown cross hatched on Schedule 'A' of Amendment Bylaw No. 2924, from RD-3 [Single Family/Two Family Residential] to CD No. 108 [Comprehensive Development District No. 108], be given adoption. Carried Unanimously.

10. REPORTS FROM COMMITTEES

- 1) [19-072](#) Draft Minutes from the APC Design Review Committee, January 9, 2019
- 2) [19-089](#) Draft Minutes from the Environmental Advisory Committee, January 24, 2019

Moved by Councillor Hundleby, seconded by Councillor Armour: That the Draft Minutes from the APC Design Review Committee, January 9, 2019 and Draft Minutes from the Environmental Advisory Committee, January 24, 2019 be received. Carried Unanimously.

11. COMMUNICATIONS

- 1) [19-090](#) Email from Local Government Management Association of BC, dated January 30, 2019, Re: Help the LGMA Celebrate 100 Years of Supporting Local Government Professionals

Moved by Councillor Hundleby, seconded by Councillor Helliwell: That the Email from the Local Government Management Association of BC, dated January 30, 2019, Re: Help the LGMA Celebrate 100 Years of Supporting Local Government Professionals be received and Council direct staff to explore options in planting a "centennial" tree in recognition of the hard work of local government professionals over the past 100 years. Carried Unanimously.

- 2) [19-091](#) Email from Chief Del Manak, Victoria Police, dated February 16, 2019, Re: Additional Esquimalt Data Re: Esquimalt Council Request

Moved by Councillor Hundleby, seconded by Councillor Helliwell: That the Email from Chief Del Manak, Victoria Police, dated February 16, 2019, Re: Additional Esquimalt Data Re: Esquimalt Council Request be received and be referred to budget discussions. Carried Unanimously.

- 3) [19-092](#) Email from Mayor Lisa Helps, City of Victoria, dated February 18, 2019, Re: Response Required for Smart Cities Challenge Due March 1st

Councillor Armour provided an overview of Smart Cities Challenge and confirmed this would have no financial implications to the Township.

Moved by Councillor Armour, seconded by Councillor Helliwell: That the

Email from Mayor Lisa Helps, City of Victoria, dated February 18, 2019,
Re: Response Required for Smart Cities Challenge Due March 1st:

- (1) be received;
- (2) Council direct staff to draft a letter of support, signed by the Mayor;
- (3) staff complete the template titled "Direct and Aligned Investments" for transportation projects; and,
- (4) forward both documents to the City of Victoria no later than February 28th, 2019. Carried Unanimously.

12. PUBLIC QUESTION AND COMMENT PERIOD

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

Lynda O'Keefe, *resident*, encouraged attendance at the Esquimalt Photo Club annual exhibit held at the Esquimalt Recreation Centre from noon on Wednesday February 28th with reception on March 7th.

13. ADJOURNMENT

Moved by Councillor Hundleby, seconded by Councillor Vermeulen: That the Regular Council meeting be adjourned at 8:54 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 4TH DAY OF MARCH, 2019

ANJA NURVO, CORPORATE OFFICER
CERTIFIED CORRECT