



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

## Minutes - Final

### Council

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

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Monday, June 10, 2019

7:00 PM

Esquimalt Council Chambers

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**Present:** 6 - Mayor Barbara Desjardins  
Councillor Ken Armour  
Councillor Meagan Brame  
Councillor Jacob Helliwell  
Councillor Lynda Hundleby  
Councillor Jane Vermeulen

**Absent:** 1 - Councillor Tim Morrison

**Staff:** Laurie Hurst, Chief Administrative Officer  
Bill Brown, Director of Development Services  
Anja Nurvo, Director of Corporate Services  
Alex Tang, Planner  
Alicia Ferguson, Administrative Assistant/Deputy Corporate Officer  
Rachel Dumas, Recording Secretary

**Other:** Chief Del Manak, VicPD  
Deputy Chief Jason Laidman, VicPD  
Mark McIntyre, Director, Community Engagement, VicPD

#### 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.

#### 2. LATE ITEMS

There were no late items.

#### 3. APPROVAL OF THE AGENDA

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

#### 4. MINUTES

1) [19-276](#) Minutes of the Special Meeting of Council, May 27, 2019

2) [19-277](#) Minutes of the Regular Meeting of Council, May 27, 2019

Moved by Councillor Helliwell, seconded by Councillor Brame: That the Minutes of the Special Meeting of Council, May 27, 2019 and Minutes of the Regular Meeting of Council, May 27, 2019 be adopted as circulated.

Carried Unanimously.

## 5. PRESENTATIONS

- 1) [19-278](#) Ian Robertson, CEO and Dave Cowen, Chair, Greater Victoria Harbour Authority, Re: GVHA Activities and 2018 / 2019 Financials

Dave Cowen, Chair, Greater Victoria Harbour Authority [GVHA] Board provided an overview of Governance and introduced Ian Robertson, CEO, GVHA. Mr. Robertson provided an overview of 2018 financial performance and activities, presented a PowerPoint Presentation and responded to questions from Council.

Council comments included:

- \* Reducing climate impacts.

- 2) [19-279](#) Victoria Police Department Quarterly Report - Framework Agreement, Chief Del Manak

Chief Del Manak provided an overview of 2019 Q1 Report, presented a PowerPoint Presentation and responded to questions from Council.

Council comments included:

- \* Funding sources for the Canada Day Event.
- \* Compliance with the Framework Agreement.

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

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

## 7. STAFF REPORTS

### *Development Services*

- 1) [19-262](#) Development Permit and Development Variance Permit - 10-300 Plaskett Place, Staff Report DEV-19-049

Director of Development Services responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Brame: 1. That Council resolves that Development Permit No. DP000118 [Appendix A] authorizing construction of a patio deck as illustrated in the plans prepared by Java Designs, and sited in accordance with the BC Land Surveyor's Site Plan prepared by Michael E. Claxton, both stamped "Received April 9, 2019", be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 10-300 Plaskett Place [PID 017-658-187 Strata Lot 10, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1]; and

2. That Council resolves that Development Variance Permit No.

DVP00090 [Appendix B] authorizing construction of a patio deck as illustrated in the plans prepared by Java Designs, sited in accordance with the BC Land Surveyor's Site Plan prepared by Michael E. Claxton, both stamped "Received April 9, 2019", and including the following variances be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 10-300 Plaskett Place [PID 017-658-187 Strata Lot 10, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1]:

Zoning Bylaw, 1992, No. 2050, Section 34 (8)(a) - Lot Coverage: A 1.2% increase to the requirement that all Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel [i.e. from 30% to 31.2%]

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(i) - Siting Requirements - Accessory Building - Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(ii) - Siting Requirements - Accessory Building - Side Setback: A 1.1 metres decrease to the requirement that no Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line [i.e. from 1.5 metres to 0.4 metres]

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(iv) - Siting Requirements - Accessory Building - Building Separation: Exemption from the requirement that no Accessory Building shall be located within 2.5 metres of a Principal Building. Carried Unanimously.

**2) [19-263](#) Development Variance Permit - 835 Dunsmuir Road, Staff Report DEV-19-050**

Director of Development Services responded to questions from Council.

Moved by Councillor Armour, seconded by Councillor Brame: That Council resolves that Development Variance Permit No. DVP00091, as attached as Appendix A to Staff Report DEV-019-050, to authorize the following variance to Zoning Bylaw, 1992, No. 2050, as shown on the architectural plan of the parking level, provided by Praxis Architects Inc., stamped "Received May 15, 2019", for the proposed 5 storey, 32 unit apartment building, be approved, and staff be directed to issue the permit and register the notice on the title of the property located at 835 Dunsmuir Road [PID 030-709-156, Parcel A (Being a consolidation of Lots 2 and 3, see CA7353737), Section 11, Esquimalt District, Plan 9757].

Zoning Bylaw, 1992, No. 2050, Section 67.95. (9)(a)(v) - Siting Exceptions - Principal Building - A 0.7 metre decrease to the requirement that no principal building shall be located within 2.0 metres of the northern Exterior Side Lot Line to accommodate the parking structure situated below the First Storey [i.e. from 2.0 metres to 1.3 metres]. Carried Unanimously.

- 3) [19-266](#) Review of Capital Regional District's Population Projections Update for Township of Esquimalt, Staff Report DEV-19-050

Director of Development Services provided an overview for requesting a third party review of the methodology used to calculate the population of Esquimalt by the CRD re: Regional Growth Strategy and responded to questions from Council.

Moved by Councillor Hundleby, seconded by Councillor Brame: That Council request the Capital Regional District to obtain a third party review of the methodology used to calculate the population, dwelling unit, and employment projections prior to commencing the amending process for the Regional Growth Strategy. Carried Unanimously.

- 4) [19-267](#) Rezoning Application - 638 & 640 Constance Avenue and 637 Nelson Street, Staff Report DEV-19-052

Planner advised the proposed amendment to Bylaw No. 2927 would change the minimum number of visitor parking spaces from 7 to 2 spaces and responded to questions from Council.

Moved by Councillor Armour, seconded by Councillor Helliwell: 1. That Council resolves to rescind third reading of Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 638 Constance Avenue [PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854], 640 Constance Avenue [PID 000-380-911, Amended Lot 88 (DD 208422I), of Suburban Lot 44, Esquimalt District, Plan 2854], and 637 Nelson Street [PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854], all shown cross hatched on Schedule 'A' of Bylaw No. 2927, from RM-1 [Multiple Family Residential] to CD No. 110 [Comprehensive Development District No. 110];

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2927, attached to Staff Report DEV-19-052 as Appendix A, be amended and read anew at third reading; and

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-19-052, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 638 Constance Avenue [PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854], 640 Constance Avenue [PID 000-380-911, Amended Lot 88 (DD 208422I), of Suburban Lot 44, Esquimalt District, Plan 2854], and 637 Nelson Street [PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854] 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 638 Constance Avenue [PID 000-546-437, Lot B (DD 237133I), of Lots 79 and 89, Suburban Lot 44, Esquimalt District, Plan 2854], 640 Constance Avenue [PID 000-380-911, Amended Lot 88 (DD 208422I), of Suburban Lot 44, Esquimalt District, Plan 2854], and 637 Nelson Street [PID 006-386-466, Lot D (DD 367731-I), Suburban Lot 44, Esquimalt District, Plan 2854] prior to development as the proposed CD No.110 Zone does not work unless the parcels are consolidated
- The building be constructed to include six 3-bedroom dwelling units
- Two visitor parking spaces
- \$500 per unit car shares from Modo car share services
- Provision of a car share vehicle through Modo
- 15 parking stalls to have Level 2 (240V, AC plug with a dedicated 40 amp circuit) electric vehicle charging stations
- Provision of 12 months of BC Transit bus passes for the Victoria Regional Transit System to all the residents
- Play structure on the usable open space
- Water main upgrade along Constance Avenue (or Nelson Street) in order to provide the sufficient fire flow demand
- That the parcel is not to be subdivided (to prevent stratification)

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing the aforementioned issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 2927 to Council for consideration of adoption. Carried Unanimously.

- 5) [19-269](#) Housing Agreement Bylaw - 638 and 640 Constance Avenue & 637 Nelson Street, Staff Report DEV-19-051

Staff responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Armour: That Council resolves to rescind third reading of Housing Agreement Bylaw, 2019, No. 2954 for 638 Constance Avenue, 640 Constance Avenue and 637 Nelson Street. Carried Unanimously.

Moved by Councillor Armour, seconded by Councillor Hundleby: That Council resolves that Housing Agreement Bylaw, 2019, No. 2954, attached to Staff Report DEV-19-051 as Appendix A, be amended, read anew at second reading and given third reading. Carried Unanimously.

- 6) [19-272](#) Development Permit and Development Variance Permit, 1129 Munro Street, Staff Report Dev-19-053

Director of Development Services responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Armour: 1. That Council resolves that Development Permit DP000111 as attached to Staff

Report DEV-19-053 as Appendix A, authorizing construction of an accessory building as illustrated in the plans prepared by Jeffrey A. Duffield, sited in accordance with the BC Land Surveyors Site Plan prepared by Ryan P. Hourston, both stamped "Received April 8, 2019", be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 1129 Munro Street [PID 026-958-376, Lot 2, Section 11, Esquimalt District, Plan VIP82523].

2. That Council resolves that Development Variance Permit DP00082 as attached to Staff Report DEV-19-053 as Appendix B, authorizing construction of an accessory building as illustrated in the plans prepared by Jeffrey A. Duffield, sited in accordance with the BC Land Surveyors Site Plan prepared by Ryan P. Hourston, both stamped "Received April 8, 2019", and including the following variances be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 1129 Munro Street [PID 026-958-376, Lot 2, Section 11, Esquimalt District, Plan VIP82523].

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(i) - Siting Requirements - Accessory Building - Front Setback: Exemption from the requirement that no Accessory Building shall be located in front of the front face of the Principal Building.

Parking Bylaw No. 1992, No. 2011, Part 4 (9)(4) - Provisions and Maintenance of Off-Street Parking and Loading Areas: Exemption to the requirement that Parking Spaces in Residential zones be located no closer to the Front Lot Line than the front face of the Principal Building [i.e. the one required parking space will be located in the new accessory building]. Carried Unanimously.

7) [19-274](#) Rezoning Application - 916 and 920 Old Esquimalt Road, Staff Report DEV-19-054

Director of Development Services provided an overview of the application and responded to questions from Council.

Moved by Councillor Helliwell, seconded by Councillor Vermeulen:

1. That Council resolves that Bylaw No. 2948 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 916 Old Esquimalt Road [PID 003-446-093; Lot C, Section 11, Esquimalt District, Plan 21636] and 920 Old Esquimalt Road [PID 003-446-395; Lot D, Section 11, Esquimalt District, Plan 21636] from RD-3 [Two Family/Single Family Residential] to CD No. 115 [Comprehensive Development District No. 115], be amended as follows:

- a) In section 67.101 (1) Permitted Uses - delete b) Secondary Suite: subject to the requirements of Section 30.6 and this CD-115 zone, and reassign the sequence remaining uses appropriately; and
- b) In section 67.101 (4) Density - change "limited to ten" to "limited to five"; and



c) In section 67.101 (6) Secondary Suites - delete Section 6; and  
d) In section 67.101 (10) (d) Fencing - change "not more 2.0 metres" to "not more than 2.0 metres"; and  
e) In sections 67.101 (7 through 11) - renumber sections to 6 through 10; and  
Amendment Bylaw No. 2948 be given second reading as amended; and

2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw 1992, No. 2050, Amendment Bylaw No. 2948, and to advertise for same in the local newspaper.

Moved by Councillor Armour, seconded by Councillor Hundleby: That Council allow the applicant to address Council and respond to questions. Carried Unanimously.

David Yamamoto, Zebra Designs, presented a PowerPoint Presentation and responded to questions from Council.

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

## 8. **BYLAWS**

- 1) [19-268](#) Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961 - For Adoption

Moved by Councillor Hundleby, seconded by Councillor Brame: That Fees and Charges (Miscellaneous) Bylaw, 2019, No. 2961, be adopted. Carried Unanimously.

## 9. **MAYOR'S AND COUNCILLORS' REPORTS**

- 1) [19-287](#) Colquitz/Gorge Watershed Special Management Area - Governance, Mayor Barbara Desjardins

Mayor Desjardins provided an overview of her report and responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council support the Protocol Agreement/Memorandum of Understanding governance structure for Colquitz/Gorge Watershed Special Management Area. Carried Unanimously.

- 2) [19-290](#) FCM Standing Committee, Councillor Ken Armour

Councillor Armour provided an overview of his report and responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council approve Councillor Armour's application to FCM to sit on their Standing Committee on Municipal Finance and Intergovernmental Arrangements. Carried Unanimously.

**10. REPORTS FROM COMMITTEES**

- 1) [19-285](#) Adopted Minutes from the Advisory Planning Commission, April 16, 2019

Council received the adopted Minutes from the Advisory Planning Commission, April 16, 2019.

**11. COMMUNICATIONS**

- 1) [19-281](#) Email from B. Funes, Executive Correspondence Officer for the Prime Minister's Office, dated May 29, 2019, Re: New Canadian Maritime Museum in Victoria

Council received the correspondence for information.

- 2) [19-282](#) Letter from Inder Litt, President, Licence Inspectors' and Bylaw Officers' Association of British Columbia, received June 4, 2019, Re: On the Verge of Victory in Precedent-Setting Local Government Dangerous Dog Appeal

Moved by Councillor Brame, seconded by Councillor Armour: That Council direct staff to allocate \$500 from contingency funds to the Licence Inspectors' and Bylaw Officers' Association of British Columbia [LIBOA] re: dangerous dog appeal. Carried Unanimously.

- 3) [19-283](#) Email from Nubwa Wathanafa, Constituency Assistant to Mitzi Dean, MLA for Esquimalt-Metchosin, dated June 3, 2019, Re: BC Budget 2020 Consultation

Council received the correspondence for information.

- 4) [19-284](#) Email from Christine Havelka, Deputy City Clerk, City of Victoria, dated June 3, 2014, Re: Letter from Mayor Lisa Helps Re: Victoria City Council - Provincial Support for Libraries

Council received the correspondence for information.

- 5) [19-289](#) Letter from Genevieve Casault, Manager, Heritage Programs and Services, BC Heritage Branch, Ministry of Forests, Lands and Natural Resource Operations, dated May 31, 2019, Re: Francophone Historic Places Project Results

The Director of Development Services responded to questions from Council.

Council received the correspondence for information.

**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.**

Doug Scott, *resident*, in support of working with Vancouver Island Health Authority to increase medical practitioners.



Muriel Dunn, *resident*, in support of the new development on Old Esquimalt Road. Lynda O'Keefe, *resident*, clarified the potential location of the heritage building called the "Little red school house", as discussed by Council in the previous item, as being located on the Naden Base and requested that the Township address the long spear grass between the sidewalks and curb.

**13. ADJOURNMENT**

Moved by Councillor Brame, seconded by Councillor Helliwell: That the Regular Council meeting be adjourned at 9:00 PM. Carried Unanimously.

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MAYOR BARBARA DESJARDINS  
THIS 24TH DAY OF JUNE, 2019

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ANJA NURVO, CORPORATE OFFICER  
CERTIFIED CORRECT