



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, May 25, 2020

7:00 PM

Esquimalt Council Chambers

Present: 7 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Meagan Brame
Councillor Jacob Helliwell
Councillor Lynda Hundleby
Councillor Tim Morrison
Councillor Jane Vermeulen

Councillor Armour, Councillor Brame, Councillor Helliwell, and Councillor Hundleby attended the meeting by conference call.

Staff: Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Jeff Miller, Director of Engineering and Public Works (via conference call)
Rachel Dumas, Manager of Corporate Services
Alex Tang, Planner

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 Morrison: That the agenda be approved as circulated. Carried Unanimously.

4. MINUTES

1) [20-237](#) Minutes of the Regular Council meeting held May 4, 2020

2) [20-234](#) Minutes of the Special Council meeting held May 11, 2020

Moved by Councillor Vermeulen, seconded by Councillor Brame: That the Minutes of the Regular Council meeting held May 4, 2020 and the Minutes of the Special Council meeting held May 11, 2020 be adopted as circulated. Carried Unanimously.

5. ELECTRONIC PUBLIC INPUT ON ANY ITEMS LISTED ON THE AGENDA

Address Council on any item included on this Agenda, including Staff Reports and Communications (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

There was no electronic public input.

6. STAFF REPORTS

Administration

- 1) [20-242](#) Emergency Operations Centre Update, Staff Report No. ADM-20-013

CAO responded to questions from Council.

Moved by Councillor Morrison, seconded by Councillor Brame: That Council receive Staff Report No. ADM-20-013 for information. Carried Unanimously.

Development Services

- 2) [20-226](#) Development Permit and Development Variance Permit - 937 Colville Road, Staff Report No. DEV-20-023

Director of Development Services provided an update on the proposal including design details and the requested height variance of 0.4m to accommodate a pipeline discovered near the surface of the property.

Ryan Jabs, Lapis Homes Ltd., provided an update on the applications via conference call, presented a PowerPoint Presentation, and responded to questions from Council.

The applications are for six (6), two bedroom strata dwelling units, to be built in a single, stacked style townhouse building.

Moved by Councillor Morrison, seconded by Councillor Brame: That Council resolves that Development Permit No. DP000133 [Appendix A of staff report DEV-20-023] authorizing the design of the proposed six-unit residential building, consistent with the B.C. Land Surveyor's Site Plan prepared by Summit Land Surveying stamped 'Received Jan 28, 2020', the architectural drawings prepared by Christine Lintott Architects, stamped 'Received March 18, 2020', and the landscape plan prepared by Imagine Garden Design and Landscapes stamped "Received March 18, 2020" be approved, and staff be directed to issue the permit, and register the notice on the title of the property located at 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277]. Carried Unanimously.

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council resolves that Development Variance Permit No. DVP00097

[Appendix B of staff report DEV-20-023] authorizing an increase to the permitted height for the proposed building consistent with the B.C. Land Surveyor's Site Plan prepared by Summit Land Surveying stamped 'Received Jan 28, 2020', and the architectural drawings prepared by Christine Lintott Architects, stamped 'Received March 18, 2020', 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 937 Colville Road [PID 003-679-144, Lot 4, Block 1, Section 10, Esquimalt District, Plan 6277];

Zoning Bylaw 1992, No. 2050, Section 67.113, [CD No. 126], (6) Building Height: An increase to the permitted height of a building from 9.1 metres to 9.5 metres measured from grade to the midpoint between the eaves and the highest ridge, for a variance of 0.4 metres. Carried Unanimously.

3) [20-227](#) Development Permit - 469 Sturdee Street, Staff Report No. DEV-20-024

Director of Development Services provided an overview of the application.

Mike Dalton, Citta Construction Ltd., provided an overview of the application via conference call and, together with Bill Patterson, Citta Construction Ltd. via conference call, responded to questions from Council.

The purpose of the application is to remove the existing house and construct a new two-unit dwelling (side by side duplex) on the property.

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council resolves that Development Permit No. DP000130 [Appendix A of staff report DEV-20-024] authorizing the design of a two-family dwelling (duplex) to be constructed in accordance with the BCLS Site Plan prepared by Brent Mayenburg, Wey Mayenburg Land Surveying Inc., stamped "Received February 10, 2020", is consistent with the architectural plans prepared by Adapt Design stamped "Received February 19, 2020", and the landscape plan prepared by Small and Rossell, Landscape Architects Inc., stamped "Received February 4, 2020" be approved, and (subject to receipt of the required landscape security) staff be directed to issue the permit, and register the notice on the title of the property located at 469 Sturdee Street [PID 008-289-123, Lot 16, Suburban Lot 48, Esquimalt District, Plan 822]. Carried Unanimously.

4) [20-228](#) Official Community Plan Amendment and Rezoning Application - 616 & 620 Constance Avenue, 619 & 623 Nelson Street and 1326 Miles Street, Staff Report No. DEV-20-025

Planner provided an update on the application Council deferred consideration at the May 4, 2020 Council meeting due to inconsistencies with the parking space figures, the proposed number of parking spaces is 126. The Planner presented a PowerPoint Presentation and responded to

questions from Council. Since the bylaws received first and second reading the applicant has elected to amend the proposed development to a purpose built rental building. The new proposal consists of changes to the number of dwelling units, the number of parking spaces, and is constructed from concrete instead of mass timber.

Troy Grant, Sierra Lane Construction Inc., attended the meeting via conference call provided and overview of the application, presented a PowerPoint Presentation, and responded to questions from Council.

The purpose of the application is to accommodate the proposed 12-storey, commercial residential mixed-use building including 129 residential units and a 126 space parking garage.

Council comments included concerns with the proposed parking ratio and impact to street parking and the proximity of the development to nearby amenities and alternative transportation options.

Moved by Councillor Brame, seconded by Councillor Armour: 1. That Council resolves to rescind second reading, amend, and read anew a second time Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, attached to Staff Report DEV-20-025 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 616 Constance Avenue [PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854], 620 Constance Avenue [PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135], 619 Nelson Street [PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854], 623 Nelson Street [PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135], and 1326 Miles Street [PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854] + [PID 006-375-693 Lot 85, Suburban Lot 44, Esquimalt District, Plan 2854], all shown cross hatched on Schedule 'A' of Bylaw No. 2965, from RM-1 [Multiple Family Residential] to CD No. 121 [Comprehensive Development District No. 121];

2. Subject to any Ministerial Order, that Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 2964 and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2965, mail notices and advertise for same in the local newspaper; 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-20-025, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles of 616 Constance Avenue [PID 000-713-465 Lot 95, Suburban Lot 44, Esquimalt District, Plan 2854], 620 Constance Avenue [PID 000-819-832 Lot 4, Suburban Lot 44, Esquimalt District, Plan 3135], 619 Nelson Street [PID 006-393-608 Lot 84, Suburban Lots 44 and 45, Esquimalt District, Plan 2854], 623 Nelson

Street [PID 006-278-647 Lot 3, Suburban Lot 44, Esquimalt District, Plan 3135], and 1326 Miles Street [PID 006-375-723 Lot 96, Suburban Lot 44, Esquimalt District, Plan 2854] + [PID 006-375-693 Lot 85, 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 616 Constance Avenue, 620 Constance Avenue, 619 Nelson Street, 623 Nelson Street, and 1326 Miles Street prior to development as the proposed CD No.121 Zone does not work unless the parcels are consolidated
- Undergrounding of the electric power lines along Constance Avenue and Nelson Street adjacent to the subject property
- 8 affordable dwelling units
- 3 special needs dwelling units
- Group daycare for children
- Building to be designed and constructed to conform to the requirements of Step 4 (R2000) of the BC Energy Step Code
- The building be constructed to include a minimum of six 3-bedroom (or more) dwelling units
- Right of way in the southeast corner to allow for privately owned publicly accessible open space
- Right of way and public walkway between Constance Avenue and Nelson Street on the northern part of the subject property
- A minimum of 17 visitor parking spaces will be provided and remain
- 100 shares for a membership for a shared vehicle service for the residents
- 88 bus passes for one year for residents
- 2 operational automobiles to be owned and maintained by the owner of the building for sole use of the residents at the building owner's expense.

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, and with Mayor and CAO authorized to execute said Covenant, prior to returning Amendment Bylaw No. 2964 and Amendment Bylaw No. 2965 to Council for consideration of adoption. Carried.

In Favour: 6 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Helliwell, Councillor Hundleby, and Councillor Vermeulen

Opposed: 1 - Councillor Morrison

REPORTS FROM COMMITTEES

- 1) [20-224](#) Adopted Minutes from the Advisory Planning Commission,

February 18, 2020

This item was received.

- 2) [20-225](#) Draft Minutes from the Advisory Planning Commission, April 21, 2020

This item was received.

7. COMMUNICATIONS

For Council's Consideration

- 1) [20-219](#) Email from Al Siebring, Mayor, District Municipality of North Cowichan, dated May 4, 2020, Re: Temporary Tax Deferral Program Expansion

CAO responded to questions from Council and the item was received.

- 2) [20-220](#) Email from Kate Hughes and various Esquimalt residents, dated May 3, 2020, Re: Community Proposal Regarding Garthland Road Park

CAO responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Morrison: That Council direct staff to prepare a staff report providing clarity of the process to address concerns as outlined in the letter from Kate Hughes and various Esquimalt residents dated May 3, 2020. Carried Unanimously.

- 3) [20-221](#) Email from Dennis Schafer, Stick & Stone Cannabis Co., dated April 30, 2020, Re: Letter of Support (Addressing Options for Safety Measures with Cannabis Retailers)

This item was received.

- 4) [20-222](#) Email from Andrew Paumier and Shannon Moriarity, Indecent Risotto, dated April 30, 2020, Re: Request for Input (Operating Food Trucks)

This item was received.

- 5) [20-240](#) Email from Donna Stennes, Administrative Assistant to Mayor and Council, City of Nanaimo, dated May 13, 2020, Re: Supporting Businesses by Making Liquor Licensing More Flexible

CAO advised the Liquor and Cannabis Control Branch has brought forward policy options to be presented at the June 1, 2020 meeting for Council consideration.

- 6) [20-241](#) Email from Jeff Guignard, Executive Director, The Alliance of Beverage Licensees, dated May 12, 2020, Re: Flexible, Innovative, and Expedited Patio Permitting

This item was received.

- 7) [20-247](#) Letter from Katrine Conroy, Minister of Children and Family

Development, dated May 13, 2020, Re: Child and Youth in Care Week

This item was received.

- 8) [20-248](#) Email from Kelly Timms, Executive Services Coordinator, Capital Regional District, dated May 15, 2020, Re: Municipal Consent for Bylaw No. 4304 Liquid Waste Management Core Area and Western Communities Establishment Bylaw No. 1, 1995, Amendment Bylaw No. 3, 2020

Director of Engineering and Public Works joined the meeting at 8:29 PM via conference call and responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council consent to the CRD adopting Bylaw No. 4304, "Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1, 1995, Amendment Bylaw No. 3, 2020. Carried Unanimously.

- 9) [20-250](#) Letter from Mayor Haynes, District of Saanich, dated March 11, 2020, Re: Invitation to Collaborate on BC Motor Vehicle Act Pilot Project

Director of Engineering and Public Works responded to questions from Council via conference call.

Moved by Councillor Morrison, seconded by Councillor Vermeulen:

1. That Council direct staff to prepare a letter of support in principle to Mayor Haynes in response to his letter dated March 11, 2020, Re: Invitation to Collaborate on BC Motor Vehicle Act Pilot Project; and
2. That Council request further details of the project. Carried.

In Favour: 6 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Helliwell, Councillor Morrison, and Councillor Vermeulen

Opposed: 1 - Councillor Hundleby

Director of Engineering and Public Works left the meeting at 8:46 PM.

8. RISE AND REPORT

- 1) [20-238](#) 2020 Committee Re-appointments from May 4, 2020, In Camera meeting

At its May 4, 2020 In Camera meeting, Council made the following re-appointments to Committees, Commissions and Boards, for the terms indicated below:

Parks & Recreation Advisory Committee:

Gillian Larsen 1 year - July 1, 2020 to June 30, 2021

Shona Redman 2 years - July 1, 2020 to June 30, 2022

Ben Barnes 2 years - July 1, 2020 to June 30, 2022

Lassah Johnson

Youth Rep - 1 year - July 1, 2020 to June 30, 2021

Environmental Advisory Committee:

Rebecca Wolf-Gage

Youth Rep - 1 year - July 1, 2020 to June 30, 2021

Advisory Planning Commission:

Michael Angrove - 2 years - July 1, 2020 to June 30, 2022

Helen Edley - 2 years - July 1, 2020 to June 30, 2022

Filippo Ferri - 2 years - July 1, 2020 to June 30, 2022

Marie Fidoie - 2 years - July 1, 2020 to June 30, 2022

9. ELECTRONIC PUBLIC COMMENT PERIOD

Address Council on any topic that impacts Esquimalt (excluding items which are or have been the subject of a Public Hearing). Limit 2 minutes per speaker.

There was no electronic public input.

10. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Morrison: That the Regular Council meeting be adjourned at 8:47 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 1ST DAY OF JUNE, 2020

RACHEL DUMAS, CORPORATE OFFICER
CERTIFIED CORRECT