



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

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

Advisory Planning Commission

Tuesday, January 19, 2021

7:00 PM

Esquimalt Council Chambers

Present: 7 - Chair Graeme Dempster
Vice Chair Michael Angrove
Member Chris Munkacsi
Member Duncan Cavens
Member Filippo Ferri
Member Helen Edley
Member Marie Fidoe

Commission Members Fil Ferri, Helen Edley, Duncan Cavens and Chris Munkacsi attended via conference call.

Council Liaisons: Councillor Jane Vermeulen
Councillor Lynda Hundleby (via conference call)

Staff: Bill Brown, Director of Development Services
Jeff Bryon, Manager of Recreation Services (via conference call)
Dan Henderson, Coordinator Parks & Recreation (via conference call)
Tricia deMacedo, Planner (via conference call)
Alex Tang, Planner
Pearl Barnard, Recording Secretary

1. CALL TO ORDER

Chair Graeme Dempster called the Advisory Planning Commission meeting to order at 7:00PM.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF THE AGENDA

Moved by Member Fidoe, seconded by Vice Chair Angrove: That the agenda be approved as circulated. Carried Unanimously.

4. MINUTES

1) [21-033](#) Minutes of the Advisory Planning Commission Meeting December 15, 2020

Moved by Chair Dempster, seconded by Member Fidoe: That the minutes of the Advisory Planning Commission, December 15, 2020 be adopted as circulated. Carried Unanimously.

5. STAFF REPORTS

1) [21-018](#) Development Variance Permit - 1151 Esquimalt Road
Staff Report No. APC-21-004

Jeff Byron, Manager of Recreation Services and Brock Abel, Graphic FX Signworks provided an overview of the Development Variance Permit Application for 1151 Esquimalt Road via telephone.

Commission comments and questions included (Response in italics):

**Is the sign vandal and graffiti-resistant? Unfortunately, it is not graffiti-proof. The painted surfaces are an automotive grade paint system which does need to be cleaned. If cleaned within 48 hours, should not cause any permanent defacing. The printed elements are coated with a 3M anti-graffiti product.*

**Will the sign have the capacity or capability for commercial advertising? Yes.*

**Members had concerns with the illumination of the signage. Member suggested reducing the illumination to 50% at dusk to reduce light pollution.*

**Members had mixed opinions regarding the animated digital sign. The movement within the sign may cause a distraction for drivers as per police reports. This is a busy area, and any additional distraction is not desirable. Otherwise, the commission generally liked the look of the sign and how it incorporates the municipality with the maritime theme.*

**The commission had concerns that other businesses may want to have similar signage. This would necessitate a review of the sign bylaw.*

Moved by Chair Dempster, seconded by Member Fidoe: That the Esquimalt Advisory Planning Commission [APC] recommends to Council that the application for a Development Variance Permit authorizing a new freestanding sign with animated video display, to be located adjacent to the Esquimalt Road entrance to the Archie Browning Sports Centre, consistent with the plans provided by Graphic FX Signworks stamped "Received January 12, 2021", the landscape plan provided by Esquimalt Parks staff stamped "Received August 7, 2020", located as shown on the BCLS Site Plan provided by Wey Mayenburg Land Surveying Inc. stamped "Received September 14, 2020", and to be operated according to the "Operating Guidelines" provided by Esquimalt Recreation staff stamped "Received January 13, 2021; including the following variances for the property located at 1151 Esquimalt Road [PID 001-114-239; Lot 1, Section 11, Esquimalt District, Plan 14686], be forwarded to Council with a recommendation to approve with a condition that the sign is used only for community related events rather than public advertisements.

Reason: The sign will be a nice addition to the community and will provides valued signage and information to the community.

Vary Sign Regulation Bylaw 1996, No. 2252 - Part 6 - Prohibitions - to allow the freestanding sign to occasionally have third-party advertising and therefore act as a billboard (for community event related advertisers)

Vary Sign Regulation Bylaw 1996, No. 2252 - Part 7 - General Provisions - Section 9.8.1 - to allow the freestanding sign to be located on a property frontage of less than 30 metres (i.e. property has a 7.62 metre frontage on

Esquimalt Road)

Vary Sign Regulation Bylaw 1996, No. 2252 - Part 7 - General Provisions - Section 9.8.2 (a) - to allow the freestanding sign to be located within 20 metres of a residential zoned property (i.e. from 30 metres to 20 metres)

Vary Sign Regulation Bylaw 1996, No. 2252 - Part 7 - General Provisions - Section 9.8.2 (b) - to allow a freestanding sign to be located 1.4 metres from a property line (i.e. from 2.0 metres to 1.4 metres)

Vary Sign Regulation Bylaw 1996, No. 2252 - Part 7 - General Provisions - Section 9.8.2 (c) - to allow the freestanding sign to be larger than the landscaped area in which it sits. (i.e. sign area of 30.54 m² and landscaped area of 29.95 m²)

Vary Sign Regulation Bylaw 1996, No. 2252 - Part 7 - General Provisions - Section 9.8.3 (b) - to allow the area of the freestanding to be greater than 20 square metres (i.e. from 20 m² to 30.52 m²) Motion Carried.

In Favour: 6 - Chair Graeme Dempster, Member Chris Munkacsi, Member Duncan Cavens, Member Filippo Ferri, Member Helen Edley and Member Marie Fidoe

Opposed: 1 - Vice Chair Michael Angrove

Jeff Bryon, Manger of Recreation Services & Dan Henderson, Coordinator Parks & Recreation left the meeting at 7:31PM

**2) [21-013](#) Rezoning Application - 475 Kinver Street
Staff Report No.: APC-21-003**

Joanne Blain, owner provided an overview of the Rezoning Application for 475 Kinver Street via telephone.

Commission comments and questions included (Response in italics):

*The members generally liked the design as it fits well with the neighbourhood.

*Like the use of native trees and vegetation in the landscaping.

*Why does the sidewalk not continue onto Heald Avenue as that would be desirable? *There is a sidewalk master plan, the application will be reviewed by Engineering Department.*

*Concerns that the secondary suites are below ground. Why are we trying to shove secondary suites into the basements? Why can't this be a 3-storey building with the secondary suites above ground? The Township should not be trying to create sub-standard housing below ground if possible. *The plan was to maximize the height of the basement suite, 8 ft ceiling and about 4 ft of the basement is above ground.* The commission would be willing to consider a variance to the height if it meant that it could accommodate secondary suites situated closer to ground level. *As soon as the basement comes out past 1.2 metres, it counts as floor area and density cannot be varied.* Instead of worrying

about floor area, we should be focusing on creating livable space.

*The commission commented that parking should not be required for secondary suites; rather, they would prefer to see more green space for people than cars.

Moved by Member Munkacsi, seconded by Chair Dempster: The Esquimalt Advisory Planning Commission recommends that the application for rezoning, which would facilitate the future construction of a duplex with secondary suites, as sited in accordance with the BCLS Site Plan prepared by Jason Kozina, Summit Land Surveying, stamped "Received December 22, 2020", and incorporating the height and massing consistent with the architectural plans prepared by Samantha Weeks Design Group, stamped "Received October 28, 2020" be forwarded to Council with a recommendation to approve, as the proposal is a good fit with the neighbourhood and provides suitable density in the form of a duplex and secondary suites. Carried Unanimously.

3) [21-007](#) Rezoning Application - 881 Craigflower Road, Staff Report No. APC-21-001

Attempted to call the applicant/owner to respond to questions from the Commission; however the applicant/owner was unavailable.

Commission comments and questions included (Response in italics):

*The members thought that it was suitable for the location and would add some more livable space.

*Is there a secondary suite in the main dwelling? *No, there is no secondary suite in the single-family dwelling. A section 219 covenant will be added to the title, which will prevent a secondary suite in the main dwelling.* The members had mixed opinions about the notion of registering a Section 219 covenant on the subject project. They also had mixed opinions on the existence of both an attached secondary suite and a detached accessory dwelling unit. *We are trying to be consistent with the proposed DADU Bylaw that is going to Council. The applicant can amend the rezoning application to include a secondary suite. Can a Section 219 Covenant be removed in the future? Yes, one can amend or discharge a covenant in the future.*

Moved by Vice Chair Angrove, seconded by Member Fidoe: That the Esquimalt Advisory Planning Commission [APC] recommends to Council to approve the rezoning application for the property located at PID 006-245-196, Lot 6, Section 10, Esquimalt District, Plan 3060 [881 Craigflower Road]. Reason: That the proposal would otherwise meet the proposed (DADU) regulations if it was in the Single Family Zone. Carried Unanimously.

4) [21-027](#) Development Variance Permit Application - 633 Nelson Street, Staff Report No. APC-21-005

Xeniya Vins, Xquimalt, provided an overview of the Development Variance Permit Application for 633 Nelson Street via telephone.

Commission comments and questions included (Response in italics):

*The commission had concerns with this development as it deters higher density as proposed in the Official Community Plan. It would be more desirable to wait for the logical land assembly of the adjacent properties in the area. The commission stated that we should not be approving these variances to allow for a small development since these parcels represent an opportunity to develop higher density units. If this project is approved, it will be here for at least 50 years whereas we can approve a development for 100 units 5 years from now. These lots would be an ideal site for higher density, as consistent with the proposed land use designation.

*Are there any development applications for the adjacent properties? *There are no current applications; however, this application will probably deter and make it more difficult for the neighbouring properties.*

*One member had concerns with the layout of the units as it is not conducive for a family. The bedrooms and living space in the basement are separated with the upper-storey bedroom and living space by a main-storey garage. They also had concerns with livable space under a garage. *The basement is 1.2 metres out of the ground in order to exempt it as floor area.*

*One member noted that the emphasis on land assemblies would only attract large corporate developers in Esquimalt. Rather, it is desirable for the Township to encourage smaller developers. One member commented that this was a creative approach to the project design based on the zoning constraints. A diverse set of building forms in an urban neighbourhood can be appealing.

*One member commented that there a lot of variances requested to accommodate the project. The proposed setbacks are insufficient as the building envelope constitutes much of their variances. Members commented that they are building too much in the available space.

*What exactly are staff's objections to this proposal? *As the zone is written, the front and rear set back of 7.5 metres would make a townhouse unfeasible. Just because it is zoned RM-1 does not mean a single lot is supposed to support a townhouse. The intent of the zone, as evident by the lot coverage and setbacks, would be a consolidation of lots for a townhouse. In addition, the proposed Land Use Designation of this property is High Density Residential. Approval of this project will deter future high-density development in the area, which would provide more housing than just 4 townhouse units.*

Moreover, the design of this townhouse development is not consistent with other townhouses with an attached garage developed in the Township in the last several years. The inconsistencies are due to the large amount of building in proportion to the parcel size. Consequently, desirable ground level usable open space cannot be provided.

*The applicant was asked if they wanted to comment on Staff's concerns with the project. *This lot has been for sale 3 times in the last 3 years and it is uncertain when the adjacent properties will sell. The applicant does not believe that this project will deter anyone from consolidating the lots. Regarding the comment that too many townhomes are on this lot, the applicant completely disagreed. The orientation of this lot allows no wasted space in terms of driveways and access*

lanes. The small units are more appropriate for this area. If there were three units, they would be bigger and more expensive. As this is only a four-unit development, reducing one unit is a big deal financially. As an alternative to the development variance process, rezoning for a higher FAR will not bring much more FAR to this.

Moved by Vice Chair Angrove, seconded by Member Fidoe That the Esquimalt Advisory Planning Commission [APC] recommends to Council to deny the development variance permit application including the following variances for the property located at PID 005-375-649, Lot 81, Suburban Lot 44, Esquimalt District, Plan 2854 [633 Nelson Street]:

Zoning Bylaw, 1992, No. 2050, 41 (3) (a) - Building Height: Increase of the maximum allowable height for the Principal Building from 7.5 metres to 7.7 metres.

Zoning Bylaw, 1992, No. 2050, 41 (4) (a) - Lot Coverage: Increase of the maximum allowable lot coverage from 40% of the Area of a Parcel to 48.3% of the Area of a Parcel.

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (i) - Siting Requirements: Principal Building - Front Setback: A 5.5-metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Front Lot Line [i.e. from 7.5 metres to 2.0 metres]

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (ii) - Siting Requirements: Principal Building - Northern Side Setback: A 0.12-metre reduction to the requirement that no Principal Building shall be located within 4.5 metres of an Interior Side Lot Line [i.e. from 4.5 metres to 4.38 metres]

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (ii) - Siting Requirements: Principal Building - Southern Side Setback: A 1.43-metre reduction to the requirement that no Principal Building shall be located within 4.5 metres of an Interior Side Lot Line [i.e. from 4.5 metres to 3.07 metres]

Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (iii) - Siting Requirements: Principal Building - Rear Setback: A 4.76-metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line [i.e. from 7.5 metres to 2.74 metres]

Zoning Bylaw, 1992, No. 2050, 41 (6) - Usable Open Space: An exemption from the requirement that usable open space be provided in an amount of not less than 5% of the Area of the Parcel

Parking Bylaw, 1992, No. 2011, 13 (1)(a)(iii) - Number of Off-Street Parking Spaces: A reduction of required parking spaces from 2 spaces per

dwelling unit to 1 space per dwelling unit.

Reason: The number of variances show that this proposal is more suitable for land consolidation than what is presented. Motion Carried.

In Favour: 4 - Vice Chair Michael Angrove, Member Chris Munkacsi, Member Filippo Ferri and Member Marie Fidoe

Opposed: 3 - Chair Graeme Dempster, Member Duncan Cavens and Member Helen Edley

Tricia deMacedo, Planner joined the meeting at 8:32PM.

5) [21-019](#) Detached Accessory Dwelling Unit Regulations and Guidelines

Tricia deMacedo gave an overview of the proposed Regulations and Guidelines for the legalization of Detached Accessory Dwelling Units (DADU) in the Township of Esquimalt.

Commission comments and questions included (Response in italics):

*Members commented on the unnecessary need for additional parking on site.

One member liked the extra parking as it would keep vehicles off the street.

Parking spaces take up too much green space.

*Concerns with the requirement for the owner to live in one of the units was raised. Discriminates against renters. One member liked the idea of having the owner(s) on site.

*Overall a good policy, like the direction it going.

*Consider increasing the height, prefer 1 1/2 storey.

*Would like to have seen the DADU's about 800 sq ft.

*Consider decreasing lot size. *The 475 m2 lot size should be adequate for all lots in Esquimalt to have a DADU.*

Moved by Member Cavens, seconded by Vice Chair Angrove: That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the condition that no additional parking space be required for the DADU unit.

Reason: Parking takes up too much green space. Carried

In Favour: 5 - Vice Chair Michael Angrove, Member Duncan Cavens, Member Filippo Ferri, Member Helen Edley and Member Marie Fidoe

Opposed: 2 - Chair Graeme Dempster and Member Chris Munkacsi

Moved by Vice Chair Angrove, seconded by Member Ferri: That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the following condition that consideration be given to removing the requirement to have an owner live on site.

Reason: There is no requirement for secondary suites to be owner

occupied and there have been no major issues. Carried Unanimously.

Moved by Member Fidoe, seconded by Chair Dempster: That the Advisory Planning Commission recommends to Council the proposed regulations and guidelines for the legalization of Detached Accessory Dwelling Units in the Township of Esquimalt be approved with the following condition consideration be given to changing the height to 1.5 storey to accommodate interior lofts

Reason it will Increase livable and versatility. Carried Unanimously.

6) [21-030](#) Electric Vehicle-Ready New Residential Construction Regulations

Tricia deMacedo gave an overview of the proposed Electric Vehicle-Ready New Residential Construction Regulations.

Commission comments and questions included (Response in italics):

*Glad this is happening. Step in the right direction.

*A review of the Parking Bylaw is needed.

*One member did not like that it is being mandated, prefer it was encouraged. Another member commented that unless it is mandated it will not be done. By not mandating it actually takes away a personal choice from the end user, the resident who would not be able to charge their cars.

Moved by Member Fidoe, seconded by Member Munkacsi: That the Advisory Planning Commission recommend to Council to approve the EV-ready new residential construction regulations as proposed with consideration that a further comprehensive Parking Bylaw review be conducted.

Reason: The first step towards meeting our Climate Emergency Declaration. Motion Carried.

In Favour: 6 - Vice Chair Michael Angrove, Member Chris Munkacsi, Member Duncan Cavens, Member Filippo Ferri, Member Helen Edley and Member Marie Fidoe

Opposed: 1 - Chair Graeme Dempster

Tricia deMacedo, Planner left the meeting at 9:25PM.

6. ADJOURNMENT

The Advisory Planning Commission meeting adjourned at 9:25PM.

GRAEME DEMPSTER, CHAIR
ADVISORY PLANNING COMMISSION
THIS 16TH DAY OF FEBRUARY, 2021

RACHEL DUMAS, CORPORATE OFFICER
CERTIFIED CORRECT