



# 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 28, 2021

7:00 PM

Esquimalt Council Chambers

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

**Staff:** Laurie Hurst, Chief Administrative Officer  
Jeff Miller, Director of Engineering & Public Works  
Bill Brown, Director of Development Services  
Ian Irvine, Director of Financial Services  
Anja Nurvo, Interim Manager of Corporate Services  
Alex Tang, Planner  
Alicia Ferguson, 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 on the unceded territory of the Songhees and Esquimalt Nations, thanked them for caring for this land, and expressed commitment to working in partnership while continuing to build this great township together. And further, with Canada Day approaching, encouraged individuals to educate themselves on the history of Canada and to explore their role in truth and reconciliation.

#### 2. LATE ITEMS

(1) **PERTAINING** to Item No. 5: **PUBLIC HEARING** - Public Hearing for Official Community Plan Amendment Bylaw No. 3030, and Zoning Amendment Bylaw No. 3031, Proposed Public Safety Building, Staff Report DEV-21-052

- Email from Brian Gray, dated July 4, 2021, Re: Proposed public safety building
- Email from S & C Ryckman, dated July 5, 2021, Re: Public hearing on Esquimalt's new public safety building

(2) **PERTAINING** to Item No. 7 (4): **STAFF REPORTS** - Rezoning Application - 475 Kinver Street, Staff Report No. DEV-21-051

- Email from Lynda Clark & Normand Groulx, dated July 2, 2021, Re: RZ000079 Rezoning Application 475 Kinver St
- Email from Katherine Milliken, dated July 4, 2021, Re: Proposed development of 475 Kinver
- Email from Mattie Moriarity, dated July 2, 2021, Re: Letter of opposition to development at 475 Kinver st
- Emails from David Gauthier & John Albion, dated July 3, 2021 and May 20, 2021, Re: 475 Kinver Rezoning Application
- Email from Kelly Teeple, dated July 4, 2021, Re: 475 Kinver

### **3. APPROVAL OF THE AGENDA**

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

### **4. MINUTES**

- 1) [21-355](#) Minutes of the Special Council meeting held June 14, 2021
- 2) [21-356](#) Minutes of the Regular Council meeting held June 14, 2021
- 3) [21-357](#) Minutes of the Special Council meeting held June 21, 2021

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Minutes of the Special Council meeting held June 14, 2021, the Minutes of the Regular Council meeting held June 14, 2021, and the Minutes of the Special Council meeting held June 21, 2021, be adopted as circulated. Carried Unanimously.

### **5. PRESENTATIONS**

- 1) [21-354](#) Tsugio Kurushima, Dillon Takata, Jordan Stanger-Ross, and Yasmin Railton, Victoria Nikkei Cultural Society and University of Victoria, Re: Historical displays at the Esquimalt Gorge Park Pavilion

Tsugio Kurushima, Dillon Takata, Jordan Stanger-Ross, and Yasmin Railton, Victoria Nikkei Cultural Society and University of Victoria, attended the meeting via conference call, presented a PowerPoint Presentation, and responded to questions from Council. Highlights of the presentation included a history of Esquimalt Gorge Park as well as the proposal and design details for the pavilion.

Council comments included bringing forward a notice of motion to consider incorporating elements of first nations history into the gardens.

- 2) [21-358](#) Heidi Hartman, Regional Director of Operations and Malcolm McNaughton, Regional Director of Development, BC Housing, Re: Housing

Heidi Hartman, Regional Director of Operations and Malcolm McNaughton, Regional Director of Development, BC Housing, attended the meeting via conference call, presented a PowerPoint Presentation, and responded to questions from Council. Highlights of the presentation included an overview of BC Housing services, highlights of services in Esquimalt, collaborative partnerships, and the various levels of housing provided on the continuum aimed at reducing homelessness.

**6. 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.**

Natalia Lebedynski, *resident*, expressed support for the notice of motion to consider options to increase fence heights in the community to mitigate impact of deer on gardens.

**7. STAFF REPORTS**

***Finance***

- 1) [21-310](#) 2020 Statement of Financial Information, Staff Report FIN-21-013

Moved by Councillor Helliwell, seconded by Councillor Brame: That Council receives and approves the 2020 Statement of Financial Information as attached to Staff Report FIN-21-013. Carried Unanimously.

***Engineering and Public Works***

- 2) [21-333](#) Parking Restriction on Treebank Road West, Staff Report No. EPW-21-014

Moved by Councillor Morrison, seconded by Councillor Brame: That Council approves the implementation of Traffic Order 1333 for "Residential Parking Only" on both sides of Treebank Road West commencing 9m from the intersection of Aral Road and continuing east to within 9m of the intersection of Rankin Road, as set out in Staff Report EPW-21-014. Carried Unanimously.

- 3) [21-334](#) Residential Parking Restriction, Bewdley Avenue, Staff Report No. EPW-21-015

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council approves the implementation of Traffic Order 1334 for "Residential Parking Only" on both sides of Bewdley Avenue commencing 9m from the intersection of Lampson Street and extending east to its terminus, as set out in Staff Report EPW-21-015. Carried Unanimously.

4) [21-325](#) Traffic Orders for Esquimalt Town Square Parking Restrictions, Staff Report No. EPW-21-013

Moved by Councillor Brame, seconded by Councillor Hundleby: That Council approve/rescind the parking restriction Traffic Orders detailed in Staff Report EPW-21-013 for the following:

- Approve Traffic Order 1327 for “No Parking” on the north side of Carlisle Avenue commencing at the intersection of Fraser Street and continuing west for 89m;
- Rescind Traffic Order 263 for “No Parking” on the north side of Carlisle Avenue between Fraser Street and Comerford Street;
- Approve Traffic Order 1328 for “One Hour Parking Only Monday - Friday 7:00am - 5:00pm” on the north side of Carlisle Avenue commencing 9m from the intersection of Park Place and continuing east for 17m;
- Approve Traffic Order 1329 for “One Hour Parking Only Monday - Friday 7:00am - 5:00pm” on the east side of Park Place commencing 9m from the intersection of Carlisle Avenue and continuing north for 12m;
- Rescind Traffic Order 1192 for “No Parking” on the east side of Park Place;
- Approve Traffic Order 1330 for “One Hour Parking Only Monday - Friday 7:00am - 5:00pm” on the east side of Park Place commencing 53.5m from the intersection of Carlisle Avenue and continuing north for 33.5m;
- Approve Traffic Order 1331 for “No Parking” on the east side of Park Place commencing 21m from the intersection of Carlisle Avenue and continuing north for 30.5m;
- Approve Traffic Order 1332 for “No Parking” on the south side of Esquimalt Road commencing at the intersection of Park Place and continuing east for 45m;
- Rescind Traffic Order 813 for one “Handicapped Persons Only” parking space on the south side of Esquimalt Road; and
- Rescind Traffic Order 1065 for “One Hour Parking Only” on the south side of Esquimalt Road. Carried Unanimously.

**Development Services**

5) [21-348](#) Rezoning Application – 1338, 1340, 1344 & 1350 Saunders Street, Staff Report No. DEV-21-049

Planner provided an overview of the application, presented a PowerPoint Presentation, and responded to questions from Council.

Sara Alexander, *West Urban Developments Ltd.*, attended the meeting via conference call, presented a PowerPoint Presentation, and responded to questions from Council.

The purpose of the application is to allow for the construction of a six-storey, 72-unit multiple family residential building including a 72-space garage.

Council comments included:

- \* Consideration of entering into an agreement to secure housing for families.
- \* Increasing the parking ratio to one to one and increasing the number of electric vehicle charging stations.
- \* Massing concerns and consideration of stepping the building back above four stories to reduce the visual appearance of the massing.
- \* Including an amenity space for residents.
- \* Options to increase green space including permeable pavers.
- \* Concerns relating to the unit sizes and consideration of reducing the number of units to increase the parking ratio.

Moved by Councillor Helliwell, seconded by Councillor Morrison: That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3034, attached to Staff Report No. DEV-21-049 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 1338 Saunders Street [PID 006-374-816 Lot 25, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 006-374-786 Lot 24, Suburban Lot 45, Esquimalt District, Plan 2854], 1340 Saunders Street [PID 006-374-719 Lot 23, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 006-374-662 Lot 22, Suburban Lot 45, Esquimalt District, Plan 2854], 1344 Saunders Street [PID 005-479-258 Lot 21, Suburban Lot 45, Esquimalt District, Plan 2854] + [PID 005-479-240 Lot 20, Suburban Lot 45, Esquimalt District, Plan 2854], and 1350 Saunders Street [PID 004-543-483 Lot A, Suburban Lot 45, Esquimalt District, Plan 13158], all shown cross hatched on Schedule 'A' of Bylaw No. 3034, from RM-1 [Multiple Family Residential] to CD No. 139 [Comprehensive Development District No. 139] be given first reading and that staff work with the applicant to revise the proposal to address Council's comments including increasing the parking ratio to 1:1 with visitor spaces and consideration of stepping the building back at the higher level to reduce the massing before returning to Council for consideration of second reading. Carried.

In Favour: 4 - Councillor Brame, Councillor Helliwell, Councillor Morrison, and Councillor Vermeulen

Opposed: 3 - Mayor Desjardins, Councillor Armour, and Councillor Hundleby

6) [21-349](#) Housing Agreement Bylaw Amendment and Covenant Modification - 669 Constance Ave, Staff Report No. DEV-21-050

Planner provided an overview of the proposed changes to the application since the proposal was adopted by Council on July 16, 2018, necessitating a Public Hearing to modify the Section 219 Covenant.

Mark Holland, *applicant*, attended the meeting via conference call and responded to questions from Council.

The purpose of the application is to build 83 residential units in a six-storey purpose built rental constructed to BC Energy Step Code 4 with six affordable housing units in addition to the ten special needs housing units.

Moved by Councillor Helliwell, seconded by Councillor Armour:

1. That Council resolves that Housing Agreement Bylaw, 2018, No. 2937, Amendment Bylaw [No. 1], 2021, No. 3032, for 669 Constance Avenue, attached to Staff Report No. DEV-21-050 as Appendix A, be given first and second reading; and,
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for the proposed amendments to Section 219 Covenant CA6919940, attached as Appendix B of Staff Report No. DEV-21-050, mail notices and advertise for same in the local newspaper. Carried Unanimously.

- 7) [21-345](#) OCP Amendment and Rezoning Application (for adoption) - 842 Carrie Street, Staff Report No. DEV-21-048

The purpose of the application is to facilitate the future subdivision of the lot and the construction of a new house to the west of the existing principal dwelling.

Moved by Councillor Brame, seconded by Councillor Helliwell:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3005 attached as Appendix 'A' of Staff Report DEV-21-048, which would amend the 'Proposed Land Use Designations' map, thereby changing the designation of 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276] shown cross-hatched on Schedule 'A' of Bylaw No. 3005, from 'DPA No. 6 - Multi-Family Residential' to 'DPA No. 3 - Enhanced Design Control Residential' be adopted; and
2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3006 attached as Appendix 'B' to Staff Report DEV-21-048, which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 842 Carrie Street [PID 000-385-336, Lot 14, Section 10, Esquimalt District, Plan 276], shown cross-hatched on Schedule 'A' of Bylaw No. 3006, from Single Family Residential [RS-1] to Comprehensive Development District No. 133 [CD. No. 133], be adopted. Carried Unanimously.

- 8) [21-353](#) Request from Esquimalt Community Arts Hub to have the 2021 Esquimalt Mural Festival be considered a "community beautification program", Staff Report No. DEV-21-053

Staff responded to questions from Council and comments included processes to ensure community-minded art is displayed and the benefits of a public art festival for the community.

Moved by Councillor Brame, seconded by Councillor Morrison:

That Council resolve that the 2021 Esquimalt Mural Festival be considered

a “community beautification program” for the purposes of Section 5.7 of the Sign Regulation Bylaw, 1996, No. 2252, as amended, subject to the following conditions:

- 1) All murals selected by the organizing committee are to be forwarded to the Corporation of the Township of Esquimalt (Township) for final approval by Council of the Township (Council). Any proposed alterations to the mural after final approval by Council must also be approved by Council.
- 2) All property owners that have a mural installed on their property must enter into a maintenance agreement with the Township to ensure that the mural will be properly maintained while installed on the property. Such agreement must be registered on the title of the subject property prior to the commencement of the installation of the mural. The agreement will also contain requirements for the provision of security if the landowner does not maintain or remove a mural.
- 3) The property owner must enter into an indemnity agreement with the Township indemnifying the Township from all liability.
- 4) Other than murals painted directly onto the exterior wall of a building, all murals must be installed under the direction of a qualified engineer licensed to practice in British Columbia.
- 5) That this resolution only applies to the 2021 Esquimalt Mural Festival.
- 6) Any other condition that Council considers appropriate.

Furthermore, Council approves the payment of legal fees incurred to review legal documents, from the Contingency budget for up to \$5,000.00. Carried Unanimously.

Council recessed at 9:20 PM and reconvened at 9:23 PM with all members of Council present.

## **8. REPORTS FROM COMMITTEES**

- 1) [21-360](#) Memorandum - Brian Cant, Chair, Environmental Advisory Committee (EAC), Re: COTW Presentation March 8, 2021

This item was received.

## **9. COMMUNICATIONS**

### ***For Council's Consideration***

- 1) [21-359](#) Email from Jake McFadden, Executive Assistant, City of Victoria, dated June 10, 2021, Re: Deconstruction Bylaw

This item was received.

- 2) [21-365](#) Email from Marnie Essery, Chair, Intermunicipal Advisory Committee on Disability Issues, dated June 18, 2021, Re: Esquimalt Citizen Representative

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council direct staff to prepare a letter to Marnie Essery in response to their email dated June 18, 2021 regarding an Esquimalt citizen representative, to request further information on the appointment process including how



other municipalities appoint individuals to the Committee and invite a presentation to Council outlining the Committee's history and appointment process. Carried Unanimously.

### ***For Council's Information***

- 3) [21-361](#) Email from Christie Eng, dated June 13, 2021, Re: Support for Notice of Motion to Study the Benefits of Higher Fences

This item was received.

- 4) [21-362](#) Email from Sarena Talbot, dated June 13, 2021, Re: Support for Notice of Motion Regarding Deer Fences

This item was received.

- 5) [21-363](#) Email from Marie Fidoie, dated June 14, 2021, Re: Support for Notice of Motion Regarding Fence Height Bylaw

This item was received.

- 6) [21-366](#) Email from Susan Gage, Esquimalt United Church Mural Team, dated June 13, 2021, Re: Mural Festival Bylaw Exemption

This item was received.

- 7) [21-374](#) Email from Ryan Jabs, dated June 25, 2021, Re: Support for Murals

This item was received.

- 8) [21-375](#) Email from Chris Fraser and Natalia Lebedynsky, dated June 28, 2021, Re: Increased Height on Backyard Fences

This item was received.

## **10. NOTICE OF MOTION**

- 1) [21-344](#) Regulation for Fences in Esquimalt, Councillor Meagan Brame - For Consideration

Council comments included options to reduce impact of deer on food security through exploring differentiating fence heights, the contraception study as not an immediate solution to mitigate the impact of deer, and exploring fence regulations of other municipalities.

Moved by Councillor Brame, seconded by Councillor Vermeulen:

WHEREAS: Esquimalt's current bylaw regulating fence heights does not address issues of deer in yards, desecrating gardens;

WHEREAS: Esquimalt's Official Community Plan's section 14.2 Urban Food Production supports the establishment of allotment gardens, community gardens, edible landscapes, food bearing trees and other types of food production activities;

WHEREAS: Esquimalt has yet to receive permission from the Province to move forward with the immunocontraception of deer and even once permission is granted it will take several years for the deer counts to lower;



THEREFORE, BE IT RESOLVED: That Council direct staff to draft a staff report for consideration and discussion at a Committee of the Whole meeting regarding fence heights and design. The report should briefly explore ways to increase fence heights along with guidelines to allow for esthetics of the neighbourhood. Carried Unanimously.

**11. RISE AND REPORT**

- 1) [21-364](#) Appointment to Design Review Committee, AIBC  
Appointed Position

At the June 14, 2021 *In Camera* meeting, Council passed the following Motion:

That Council:

- (1) consider the nomination from the Architectural Institute of BC (AIBC) and appoint Richard McGrew to the APC Design Review Committee for a two-year term effective July 1, 2021 to June 30, 2023,
- (2) rise and report on the appointment at the next Regular Council meeting, and
- (3) authorize the Director of Development Services to advise AIBC and the applicant of Council's decision on Tuesday June 15th.

**12. 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 comment.

**13. ADJOURNMENT**

Mayor Desjardins acknowledged two events taking place over the coming week including the Sand Sculpture unveiling in Bullen Park on June 29th and the Esquimalt Town Square Grand Opening on July 3rd.

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:41 PM. Carried Unanimously.

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MAYOR BARBARA DESJARDINS  
THIS 12TH DAY OF JULY, 2021

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DEBRA HOPKINS, CORPORATE OFFICER  
CERTIFIED CORRECT