



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, September 27, 2021

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 attended the meeting via conference call.

Staff: Laurie Hurst, Chief Administrative Officer
Bill Brown, Director of Development Services
Steve Knoke, Director of Parks and Recreation
Neal Widdifield, Assistant Fire Chief
Deb Hopkins, 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 within the Traditional Territories of the Esquimalt and Songhees First Nations and encouraged everyone to take the time on September 30, 2021, National Day for Truth and Reconciliation, to educate themselves on Canada's history and truth and reconciliation efforts.

2. LATE ITEMS

(1) PERTAINING to Item No. 7.7: STAFF REPORTS - Rezoning Application - 530, 534 & 538 West Bay Terrace, and 877 & 879 Dunsmuir Road, Staff Report No. DEV-21-065

- Email from Ed Adams, dated September 27, 2021, Re: West Bay Terrace Project
- Email from Isabelle Lacoste, dated September 26, 2021, Re: Wexford development
- Email from Marc Foucher, dated September 27, 2021, Re: West Bay Terrace Project

(2) PERTAINING to Item No. 7.8: STAFF REPORTS - 880 Fleming Street - Proposed OCP and Zoning Bylaw

Amendments, Staff Report No. DEV-21-067

- Email from Valerio Giaretta, dated September 23, 2021, Re: Development at 880 Fleming Road
- Email from Kim Heffler, dated September 23, 2021, Re: 880 Fleming Street (proposed new development)
- Email from Alan Barwin, dated September 27, 2021, Re: 880 Fleming Street
- Email from Dr. Jean-Paul Restoule, dated September 26, 2021, Re: 880 Fleming Street
- Email from James Nadeau, dated September 24, 2021, Re: 1st reading submission 880 Fleming Street
- Email from James Nadeau, dated September 24, 2021, Re: Petition
- Email from Lynn West, dated September 27, 2021, Re: 880 Fleming Street
- Email from Guuduniia LaBoucan, dated September 27, 2021, Re: No to development on 880 Fleming Street
- Email from Pam Campbell, dated September 26, 2021, Re: 880 Fleming Rezoning
- Email Sharon Pedersen, dated September 27, 2021, Re: Vote No to Proposed Rezoning 880 and 874 Fleming
- Email from Tara Harper, dated September 26, 2021, Re: Rezoning of 880 Fleming Street
- Email from Kevin Smitten, dated September 27, 2021, Re: Opposed to the rezoning of 880 Fleming Street

3. APPROVAL OF THE AGENDA

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

4. MINUTES

- 1) [21-468](#) Minutes of the Special Council meeting held August 30, 2021
- 2) [21-467](#) Minutes of the Regular Council meeting held August 30, 2021

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Minutes of the Special Council meeting held August 30, 2021 and the Minutes of the Regular Council meeting held August 30, 2021, be approved as circulated. Carried Unanimously.

5. PRESENTATIONS

- 1) [21-462](#) Laura-Beth Keane, Esquimalt Community Arts Hub (ECAH), Re: Annual Recap, Recap of Mural Festival, and Request for Letter of Support

Laura-Beth Keane presented a PowerPoint presentation regarding an update on the Mural Festival, requested a letter of support for the Urban Arts Tour and Esquimalt Murals Festival to assist with securing funding, and responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Morrison: That the Mayor write a letter, on behalf of Council, in support of the Esquimalt Community Arts Hub's (ECAH) Urban Walks Tour and Mural Festival. Carried Unanimously.

6. 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.

Duncan Cavens, *resident*, commented on the Advisory Planning Commission's comments in the Rezoning Application - 530, 534 & 538 West Bay Terrace, and 877 & 879 Dunsmuir Road, Staff Report No. DEV-21-065 and further outlined concerns regarding the parking ratio for the project and need for a community wide parking review as well as appreciation for the inclusion of affordable housing within the proposal.

7. STAFF REPORTS***Parks and Recreation***

- 1) [21-435](#) The Landscapes of Injustice Collective "Past Wrongs Future Choices", Staff Report No. P&R-21-003

Director of Parks and Recreation provided an overview of the request and responded to questions from Council.

Council comments included alignment with reconciliation efforts and strategic priorities.

Moved by Councillor Morrison, seconded by Councillor Brame: That Council direct staff to provide a letter of support including approval of the following commitments:

1. Provide Esquimalt Gorge Park Pavilion display wall for a 10-year term.
2. Provide temporary shared public space for exhibition displays in or around Esquimalt recreational facilities and/or around the Esquimalt Gorge Park Pavilion.
3. Provide space for 3 Japanese garden interpretive display areas in Gorge Park.
4. Provide staff support for the above including initial consultation, program

consultation, facilitate setup and marketing support. Carried Unanimously.

- 2) [21-446](#) Saxe Point Park Natural Area Management Plan, Staff Report No. P&R-21-004

Manager of Parks and Facilities responded to questions from Council.

Council comments included utilizing the indoor space for public displays and appreciation for park enhancements.

Moved by Councillor Brame, seconded by Councillor Morrison: That the natural area management plan strategies outlined in Staff Report No. P&R 21-004 be approved. Carried Unanimously.

Fire

- 3) [21-449](#) Fireworks Bylaw, 2021, No. 3038, Staff Report No. FIRE-21-006

Staff responded to questions from Council and comments included communicating new firework regulations through social media and signage.

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council give first, second and third readings to Fireworks Bylaw, 2021, No. 3038. Carried Unanimously.

Development Services

- 4) [21-460](#) Development Permit - 1179 Colville Road, Staff Report No. DEV-21-066

Director of Development Services responded to questions from Council and Paul Park, Park Residential Designs responded to questions from Council.

Council comments included appreciation for environmental considerations to relocate the existing home and offsetting the loss of landscaping with the inclusion of additional trees.

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council resolves that Development Permit No. DP000155 [Appendix A of staff report DEV-21-066] authorizing the design of a two-family dwelling (duplex) to be constructed in accordance with the BCLS Site Plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received July 21, 2021", is consistent with the architectural plans prepared by Paul Park, Park Residential Designs stamped "Received July 21, 2021", and the landscape plan prepared by Mary Haggerty Designs, stamped "Received September 20, 2021" 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 1179 Colville Road [PID 002-196-921; Lot 3, Block 17, Section 10 Esquimalt District, Plan 2546, conditional upon additional trees being included to the satisfaction of staff. Carried Unanimously.

- 5) [21-464](#) Cash-in-lieu of Park Dedication for 916-920 Old Esquimalt Road, Staff Report DEV-21-068

Director of Development Services responded to questions from Council.

Moved by Councillor Brame, seconded by Councillor Vermeulen: That Council accept \$36,250.00 as cash in lieu of parkland dedication based on five percent (5%) of the appraised value of the \$725,000.00 (Appendix D) for the proposed five-lot subdivision as proposed in Plan EPS6543 (Appendix C) and that the funds be deposited in to the Parkland Acquisition Reserve Fund. Carried Unanimously.

- 6) [21-454](#) Rezoning Application – 1338, 1340, 1344 & 1350 Saunders Street, Staff Report No. DEV-21-064

Planner presented a PowerPoint Presentation and responded to questions from Council.

Sarah Alexander, *WestUrban Developments*, presented a PowerPoint Presentation and together with Terry Hoff, *WestUrban Developments*, responded to questions from Council.

Council recessed at 8:27 p.m. and reconvened at 8:32 p.m. with all members of Council present.

Council comments included:

- * Appreciation for the amenity space on each floor and options to increase recreational usability.
- * Parking availability and assigning parking to units to mitigate on street parking impacts as well as appreciation for the car share amenity.
- * Increasing the usable outdoor space through landscaping.
- * Addressing the visual massing at the rear of the building during the development permit and overall massing concerns.

Moved by Councillor Brame, seconded by Councillor Vermeulen:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3034, attached to Staff Report No. DEV-21-064 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 amended further to include preservation of indoor

amenity space in an amount not less than 270 square metres and given second reading; and

2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3034, 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 No. DEV-21-064, the applicant has voluntarily agreed to register a Section 219 Covenant on the titles 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] 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 1338 Saunders Street, 1340 Saunders Street, 1344 Saunders Street, and 1350 Saunders Street prior to development as the proposed CD No.139 Zone does not work unless the parcels are consolidated

- * Provision of 6 affordable rental housing units

- * Undergrounding of the electric power lines along Saunders Street adjacent to the subject property

- * The building be constructed to include a minimum of five 3-bedroom dwelling units

- * 4 visitor parking spaces will be provided and remain

- * All the parking stalls wired for, and including 4 Level 2 (240V, AC plug with a dedicated 40-ampere circuit) electric vehicle charging stations

- * Membership for a shared vehicle service for all the units

- * Provision of one-year BC Transit bus passes for the Victoria Regional Transit System to all the residents.

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. 3034 to Council for consideration of adoption. Carried.

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

Opposed: 1 - Mayor Desjardins

- 7) [21-455](#) Rezoning Application – 530, 534 & 538 West Bay Terrace, and 877 & 879 Dunsmuir Road, Staff Report No. DEV-21-065

Planner presented a PowerPoint Presentation.

Kendal Harazny and Laura Fader presented a PowerPoint Presentation and responded to questions from Council.

Council comments included concerns of parking availability in the area.

Moved by Councillor Morrison, seconded by Councillor Armour:

1. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3039, attached to Staff Report No. DEV-21-065 as Appendix A, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 530 West Bay Terrace [PID 005-090-202, Lot 7, Section 11, Esquimalt District, Plan 11515], 534 West Bay Terrace [PID 000-074-659, Lot 6, Section 11, Esquimalt District, Plan 11515], 538 West Bay Terrace [PID 000-074-594, Lot 5, Section 11, Esquimalt District, Plan 11515], 877 Dunsmuir Road [PID 005-090-181, Lot 2, Section 11, Esquimalt District, Plan 11515], and 879 Dunsmuir Road [PID 000-074-683, Lot 1, Section 11, Esquimalt District, Plan 11515], all shown cross-hatched on Schedule 'A' of Bylaw No. 3039, from RM-4 [Multiple Family Residential to CD No. 144 [Comprehensive Development District No. 144] be given first reading and second reading, and;
2. That Council authorizes the Corporate Officer to schedule a Public Hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3039, mail notices and advertise for same in the local newspaper; and
3. That staff be directed to work with the applicant to consider negotiating a Section 219 Covenant on the titles of 530 West Bay Terrace [PID 005-090-202, Lot 7, Section 11, Esquimalt District, Plan 11515], 534 West Bay Terrace [PID 000-074-659, Lot 6, Section 11, Esquimalt District, Plan 11515], 538 West Bay Terrace [PID 000-074-594, Lot 5, Section 11, Esquimalt District, Plan 11515], 877 Dunsmuir Road [PID 005-090-181, Lot 2, Section 11, Esquimalt District, Plan 11515], and 879 Dunsmuir Road [PID 000-074-683, Lot 1, Section 11, Esquimalt District, Plan 11515] 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) to restrict the amenities and uses.

Council direct staff and legal counsel for the Township to coordinate with the property owner to ensure a Section 219 Covenant addressing issues is registered against the property title, in priority to all financial encumbrances, prior to returning Amendment Bylaw No. 3039 to Council for consideration of adoption.

Amendment Motion:

Moved by Councillor Morrison, seconded by Councillor Helliwell: That the Main Motion be amended to include the following as a condition of the Section 219 Covenant and that staff be directed to negotiate the clause with the applicant:

- * Inclusion of parking stalls for certain units based on their size.

- * Reducing the seven assigned visitor parking spots to four for re-allocation to the units. Defeated.

In Favour: 2 - Councillor Helliwell, and Councillor Morrison

Opposed: 5 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Hundleby, and Councillor Vermeulen

The vote was taken on the Main Motion and declared Carried with Councillor Hundleby opposed.

8) [21-461](#) 880 Fleming Street - Proposed OCP and Zoning Bylaw Amendments, Staff Report No. DEV-21-067

Director of Development Services presented a PowerPoint Presentation and responded to questions from Council.

Raj Sahota, *applicant*, presented a PowerPoint Presentation and responded to questions from Council.

Council comments included:

- * Concerns relating to the parking ratio and increased traffic on Fleming Street.

- * Proximity to various transportation modes.

- * Appreciation for the affordability model and need for this type of housing in the community.

- * Need further engagement with the neighbours and economic impacts associated with time delays.

- * Fit within neighbourhood including massing and density.

Moved by Councillor Brame, seconded by Mayor Desjardins:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041, attached to Staff Report No. DEV-21-067 as Appendix A, which would amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] [PID 030-353-556], shown cross hatched on Schedule 'A' of Bylaw No. 3041, from Development Permit Area No.3 - Enhanced Design Control Residential to Development Permit Area No.6 - Multi-Family Residential; be given first and second reading;

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3042, attached to Staff Report DEV-21-067 as Appendix B,

which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] [PID 030-353-556] , shown cross-hatched on Schedule "A" of Bylaw No. 3042, from RS-1 [Single Family Residential] to CD No. 145 [Comprehensive Development District No. 136]; be given first and second reading;

3. That Council authorizes the Corporate Officer to schedule a Public Hearing for Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw No. 3041, and Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3042, mail notices, and publish public notices for same in the local newspaper. Defeated.

In Favour: 2 - Mayor Desjardins, and Councillor Brame

Opposed: 5 - Councillor Armour, Councillor Helliwell, Councillor Hundleby, Councillor Morrison, and Councillor Vermeulen

Moved by Councillor Morrison, seconded by Councillor Armour:

1. That Council resolves that Official Community Plan Bylaw, 2018, No. 2922, Amendment Bylaw, 2021, No. 3041, attached to Staff Report No. DEV-21-067 as Appendix A, which would amend Official Community Plan Bylaw, 2018, No. 2922 by changing Schedule 'H', being the Development Permit Areas Map by changing the designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] [PID 030-353-556], shown cross hatched on Schedule 'A' of Bylaw No. 3041, from Development Permit Area No.3 - Enhanced Design Control Residential to Development Permit Area No.6 - Multi-Family Residential; be given first reading;

2. That Council resolves that Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 3042, attached to Staff Report DEV-21-067 as Appendix B, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 880 Fleming Street [Lot 1 Section 10 Esquimalt District Plan EPP78715] [PID 030-353-556] , shown cross-hatched on Schedule "A" of Bylaw No. 3042, from RS-1 [Single Family Residential] to CD No. 145 [Comprehensive Development District No. 136]; be given first reading. Carried.

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

Opposed: 1 - Councillor Hundleby

8. COMMUNICATIONS

For Council's Consideration

- 1) [21-465](#) Email from Kelly Kenney, Langley City, dated September 15, 2021, Re: Resolution - Appointment of Directors to Regional District Board

This item was received.

- 2) [21-466](#) Email from Nicole McDowell, Regional District of Mount Waddington, dated September 14, 2021, Re: Rebuilding Village of Lytton

This item was received.

- 3) [21-459](#) Email from resident, dated September 15, 2021, Re: Request for Letter to the Attorney General - Incident

Moved by Councillor Brame, seconded by Councillor Morrison: That the Mayor write a letter, on behalf of Council, to the Attorney General and Minister Responsible for Housing regarding safety concerns of allowing repetitive offenders to be released prematurely. Carried Unanimously.

9. RISE AND REPORT

There was no rise and report.

10. 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 public comment.

11. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Vermeulen: That the Regular Council meeting be adjourned at 10:18 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 6TH DAY OF DECEMBER, 2021

DEBRA HOPKINS, CORPORATE OFFICER
CERTIFIED CORRECT