



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Minutes - Final

Council

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

Monday, October 3, 2022

7:00 PM

Esquimalt Council Chambers

Present: 6 - Mayor Barbara Desjardins
Councillor Ken Armour
Councillor Meagan Brame
Councillor Jacob Helliwell
Councillor Lynda Hundleby
Councillor Tim Morrison

Staff: Dan Horan, Chief Administrative Officer
Ian Irvine, Director of Financial Services
Bill Brown, Director of Development Services
Joel Clary, Director of Engineering & Public Works
Vicki Gannon, Director of Corporate Services and Human Resources
Steve Knoke, Director of Parks and Recreation Services
Deb Hopkins, Manager of Corporate Services/Corporate Officer
Sarah Holloway, Deputy Corporate Officer/Recording Secretary

1. CALL TO ORDER

Mayor Desjardins called the Regular Council meeting to order at 7:00 PM.

Mayor Desjardins recognized and acknowledged the Songhees and Esquimalt Nations on whose traditional territory we live, we learn, and we do our work.

Mayor Desjardins welcomed the new Chief Administrative Officer, Dan Horan to the Township. Mr Horan's previous employment was with the District of Oak Bay, where he spent the last 6 years as their Director of Engineering and Public Works, playing an integral role in the delivery of an asset management strategy for Council that resulted in a significant expansion of water, wastewater and transportation renewal work. He is a graduate of the Royal Military College of Canada, and served in the Royal Canadian Navy for 21 years, finishing his career in Esquimalt as a senior leader in the Navy's engineering and maintenance program.

The Mayor also acknowledged that this would be the last council meeting for Councillor Hundleby who has served 5 terms on Council, and Councillor Brame who has served 4 terms on Council. She thanked them on behalf of Council for their commitment to Esquimalt and the work that they performed

on Committees and Boards.

2. LATE ITEMS

1) [22-470](#) Late Correspondence

- (1) Item No.7.4 - Tillicum and Lampson Bike Lane Design - Contract Award, Staff Report No. EPW-22-016
- Kym Thrift - dated October 2, 2022

- (2) Item No. 7.7 - Development Variance Permit & Development Permit - 856 & 858 Esquimalt Road, Staff Report No.: DEV-22-091
- Benjamin James-Groom - dated September 28, 2022

3. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby: That the agenda be approved with Item 9.1 Reports from Members of Council moved ahead of Item 7. Staff Reports; and the inclusion of the late items. Carried Unanimously.

4. MINUTES

1) [22-510](#) Minutes of the Special meeting of Council held on September 20, 2022

Moved by Councillor Brame, seconded by Councillor Helliwell: That the Minutes of the Special meeting of Council held on September 20, 2022 be approved as circulated. Carried Unanimously.

5. BYLAWS FOR ADOPTION

1) [22-514](#) Council Remuneration Bylaw, 2022, No. 3084 - Adoption

Moved by Councillor Brame, seconded by Councillor Helliwell: That Council Remuneration Bylaw, 2022, No. 3084 be adopted. Carried with Councillor Morrison Opposed.

In Favour: 5 - Mayor Desjardins, Councillor Armour, Councillor Brame, Councillor Helliwell, and Councillor Hundleby

Opposed: 1 - Councillor Morrison

2) [22-516](#) Housing Agreement Bylaw, 2022, No. 3087 (1221 Rockcrest Place) - Adoption

Moved by Councillor Brame, seconded by Councillor Hundleby: That Housing Agreement Bylaw, 2022, No. 3087 be adopted. Carried Unanimously.

6. PUBLIC INPUT ON ITEMS 7, 8, 9 AND 10

Revised Agenda Item 7.1 Development Variance Permit Application - 435
Lampson Street - DVP00130

Steven West, resident, expressed concern with the lack of visitor and tenant parking and the grade and visibility of the new tenant parking space.

Christine Curson, resident, expressed concern over the loss of the two main floor storage rooms to be converted into a unit, and would like further explanation as to the design of a safe and secure outdoor storage space.

Marie Shamhart, resident, expressed that the communication regarding the renovations and timelines from the owners was lacking, and that the parking is insufficient.

Revised Agenda Item 8.4 Tillicum and Lampson Bike Lane Design and Item 8.7 Development Variance Permit & Development Permit - 856 & 858 Esquimalt Road

Doug Scott, resident, informed Council of the traffic congestion since the change in design between the Gorge and Burnside on Tillicum and requested the changes in traffic be monitored; suggested that cyclists need to be held accountable and monitored by police similarly to drivers; and, expressed approval for the 856 Esquimalt Road application that has been reduced to six storeys, but the parking needs a review.

7. REPORTS FROM MEMBERS OF COUNCIL

- 1) [22-515](#) Development Variance Permit Application – 435 Lampson Street – DVP00130 - Reconsideration

Mayor Desjardins in accordance with section 131 of the *Community Charter*, requested that Council reconsider the Development Variance Permit Application DVP00130 that was previously approved at the September 26, 2022 Council meeting due to concerns raised by residents.

The Mayor reminded Council that the reconsideration is only to discuss the variance that authorizes a reduction to the ratio of parking spaces per dwelling unit from 1.3 required parking spaces to 1 parking space per dwelling unit.

Charles Pakosh, the applicant, answered questions from Council with the following responses:

- Visitor parking will not be effected.
- The current parking ratio is 1:1.
- The additional unit will change the ratio.
- Tenants were offered stipends for the inconvenience in parking due to the construction on the perimeter drains and Fortis BC upgrades.
- Storage has never been part of the rental contracts.

The Director of Development Services reminded Council that the decision

should not be based on the storage and that it is outside of Council's decision making framework.

Council discussion continued:

- The tenants were offered remuneration of what the fair value was to relocate.
- This Development Variance Permit should not be reconsidered and should be left as it stands.
- The issues raised by the tenants are outside of Council's authority.
- The tenants should contact the residential tenancy branch with their grievances.
- Due to concerns being raised by tenants it is within Council's authority to not issue the Development Variance Permit.
- By denying the Development Variance Permit the tenant will not be allowed to add an additional unit in the building.

Moved by Councillor Brame, seconded by Councillor Armour: That Council approve Development Variance Permit DVP00130. Defeated with Mayor Desjardins, Councillors Hundleby and Morrison Opposed.

In Favour: 3 - Councillor Armour, Councillor Brame, and Councillor Helliwell

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

8. STAFF REPORTS

Finance

- 1) [22-334](#) Revitalization Tax Exemption Application- 901 Esquimalt Road, Staff Report FIN-22-014

The Director of Finance presented the report and responded to questions from Council.

Council comments included:

- The application does not fit with the current Revitalization Tax Exemption Bylaw, but would match with the planned beautification program once it is in place.
- The applicant should be informed by staff of the beautification program and to re-apply when it is in place.

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council deny the revitalization tax exemption application attached to Staff Report FIN-22-014. Carried Unanimously.

Engineering and Public Works

- 2) [22-505](#) Bewdley Avenue Residential Parking Only, Staff Report No. EPW-22-012

The Director of Engineering and Public Works introduced the report to Council. In response to questions from Council the Director mentioned that the proponent meets the criteria in the guide and the cost of the signs is minimal.

Moved by Councillor Armour, seconded by Councillor Morrison: That Council approve the implementation of Traffic Order 1339 for "Residential Parking Only" on both sides of Bewdley Avenue commencing 9m west from the intersection of Lampson Street and extending west to 9m east of Kinver Street, as set out in Staff Report EPW-22-012. Carried Unanimously.

- 3) [22-506](#) Joffre Street Residential Parking Only, Staff Report No. EPW-22-013

The Director of Engineering and Public Works introduced the report to Council.

Moved by Councillor Armour, seconded by Councillor Morrison: That Council approves the implementation of Traffic Order 1338 for "Residential Parking Only" on both sides of Joffre Street commencing 9m north from the intersection of Lyall Street and extending north to 9m south of Esquimalt Road EPW-22-013. Carried Unanimously.

- 4) [22-507](#) Tillicum and Lampson Bike Lane Design - Contract Award, Staff Report No. EPW-22-016

The Director of Engineering and Public Works presented the report and responded to questions from Council.

The Director gave the following responses:

- The amenity fund received from the development at 1075 Tillicum Road will be added to the budget for the construction of the crosswalk.
- The design will include traffic counts and any impacts as a result of the changes made to the Saanich side of Tillicum Road.
- Public consultation will begin in November.

Moved by Councillor Armour, seconded by Councillor Helliwell: That Council award the Tillicum and Lampson bike lane design contract to ISL Engineering and Land Services Ltd. for a total cost of \$316,201. Carried Unanimously.

- 5) [22-513](#) Various Surface Works and Underground Utility Projects Contract Award, Staff Report No. EPW-22-015

The Director of Engineering and Public Works presented the report and responded to questions from Council.

Council comments included:

- The staff recommendation does not include Lyall and Macaulay Street.
- The cost of playground zone pavement markings of \$7,000 is part of a

grant.

- The process of lowering a speed limit by way of a traffic order should be considered.

Moved by Councillor Armour, seconded by Councillor Brame: That Council award construction contracts for Lyall Street Improvements without improvements on the south side of Lyall Street east of Macaulay Street, Archie Browning Parking Lot New Sidewalk, 393 Fraser and 1193 Munro Sanitary Sewer Main Replacement, and Saxe Point Park Bathroom Sanitary Sewer Connection, as described in Staff Report EPW-22-015.

Council discussion on the main motion continued:

- The reduction of the speed limit for the full length of Lyall Street to 30 km per hour should be considered due to resident requests.
- The reduction of the speed limit on Lyall Street should only apply from Macaulay to Fraser and not the length of the street.
- The speed limit reduction to 40 km/h is reasonable.
- A broader analysis of the traffic bylaws should be brought forward by staff prior to a reduction in speed limits.
- The negative impacts of a speed limit reduction on neighbouring streets is concerning.
- The decision on the speed limit reduction for Lyall Street should be deferred until a report from staff is brought to Council.

Moved by Councillor Morrison, seconded by Councillor Hundleby: That the main motion be amended to include: "That Council reduce the speed limit to 30 km per hour for the full length of Lyall Street". Defeated with Mayor Desjardins, Councillors Armour, Brame and Hundleby Opposed.

In Favour: 2 - Councillor Helliwell, and Councillor Morrison

Opposed: 4 - Mayor Desjardins, Councillor Armour, Councillor Brame, and Councillor Hundleby

Council discussion continued:

- The main motion should be amended to include the following options in the staff report under Project 8:
 1. Repaint the crosswalk lines in 2023.
 2. Playground zone pavement markings.
 5. Speed control pilot.
- The amendment provides for more obvious markings for those residents traveling through the Lyall and Macaulay Streets intersection and is supportable.
- The speed control pilot is supportable.

Moved by Councillor Helliwell, seconded by Councillor Morrison: That the main motion be amended to include: "That Council approve the following options under Project 8:

1. Repaint the crosswalk lines in 2023.

2. Playground zone pavement markings.
5. Speed control pilot." Carried Unanimously.

Moved by Mayor Desjardins, seconded by Councillor Helliwell: That the main motion be amended to include "That Council defer the Constance Avenue sidewalk project to the 2023 budget". Carried Unanimously.

Main motion as amended:

1. That Council award construction contracts for Lyall Street Improvements without improvements on the south side of Lyall Street east of Macaulay Street, Archie Browning Parking Lot New Sidewalk, 393 Fraser and 1193 Munro Sanitary Sewer Main Replacement, and Saxe Point Park Bathroom Sanitary Sewer Connection;
2. That Council approve the following options listed under Project 8:
 - 1. Repaint the crosswalk lines in 2023;
 - 2. Playground zone pavement markings;
 - 5. Speed control pilot; as described in Staff Report EPW-22-015; and,
3. That Council defer the Constance Avenue sidewalk project to the 2023 budget. Carried Unanimously.

Parks and Recreation

- 6) [22-508](#) Community Emergency Preparedness Fund (CEPF) Grant Application, Staff Report No. P&R-22-013

The Director of Parks and Recreation presented the report and notified Council of an amendment to the recommendation in the report.

Council commented that the project is important and might be able to assist in addressing the issue in Gorge Park with the geese.

Moved by Councillor Armour, seconded by Councillor Brame:

1. That Council direct staff to submit a grant application for \$187,700 to the Community Emergency Preparedness Fund to prepare a community risk assessment, to engage the community on a Green Shores demonstration project and to support components of a Green Shores demonstration site at Esquimalt Gorge Park.
2. That Council authorize the Mayor and Corporate Officer to execute any agreements related to a successful grant application, as outlined in Staff Report No. P&R-22-013. Carried Unanimously.

Development Services

Council recessed at 8:37 PM and reconvened at 8:40 PM with all members of Council present.

- 8) [22-497](#) Development Permit – 1223 Colville Road, Staff Report No.: DEV-22-092

The Director of Development Services presented the report to Council.

Mehti Patel, the applicant presented a PowerPoint and responded to questions from Council.

Council commented that development will provide gentle densification and fits into the neighbourhood so is supportable.

Moved by Councillor Helliwell, seconded by Councillor Brame: That Council approve Development Permit No. DP000187 [Appendix A of staff report DEV-21-092] authorizing the design of a two-family dwelling (duplex) to be constructed at 1223 Colville Road [PID 004-085-710; Lot 12, Block 16, Section 10, Esquimalt District, Plan 2546] in accordance with the BCLS Site Plan prepared by Summit Land Surveying, Received August 9, 2022", the construction drawings by Adapt Designs, Received August 9, 2022", the landscape plan by Greenspace Designs, all stamped "Received April 27, 2021", 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. Carried Unanimously.

- 7) [22-496](#) Development Variance Permit & Development Permit – 856 & 858 Esquimalt Road, Staff Report No.: DEV-22-091

The Director of Development Services introduced the report to Council.

Chris Karu the applicant, made a presentation and responded to questions from Council.

Council comments included:

- A reduction in visitor spots to 13 from 19 would be supportable.
- Other options for the commercial space, besides a coffee shop, should be considered due to the proximity of the Tim Hortons.
- A shade canopy will be over the children's area.
- The playground and roof top space are appreciated.
- The design of the rental property is comparable to a luxury high end condominium.

Moved by Councillor Brame and seconded by Councillor Morrison:

1. That Council approve Development Variance Permit No. DVP000115 attached as Appendix "A" to staff report DEV-22-091, to vary the CD-80 zone for a proposed mixed commercial residential development, as sited on the survey plans prepared by J.E. Anderson & Associates, stamped "Received December 23, 2021", consistent with the architectural plans provided by WA Architects, stamped "Received May 27, 2022", and the landscape plans by LADR Landscape Architects, stamped "Received August 5, 2022", for the properties located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973].

2. That Council approve Development Permit No. DP000166 attached as Appendix "B" to staff report DEV-22-091, for the proposed mixed commercial residential development, as sited on the survey plans prepared by J.E. Anderson & Associates, stamped "Received December 23, 2021", consistent with the architectural plans provided by WA Architects, stamped "Received May 27, 2022", and the landscape plans by LADR Landscape Architects, stamped "Received August 5, 2022", for the properties located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973].

3. That as the Section 219 Covenant, that the applicant has voluntarily agreed to register on the title of the properties located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973] in favour of the Township of Esquimalt attached as Appendix "C" to staff report DEV-22-091 is not yet registered against the property title, in priority to all financial encumbrances with the Land Title and Survey Authority, that Council direct the Director of Development Services not to issue DVP00115 until covenant registration is complete, only issue DP000166 upon receipt of the landscaping security, and then register the permit notices on the titles of the properties.

Council discussion on the main motion continued:

- An amendment to the motion to reduce the number of visitor spots from 19 to 13 to increase parking stalls for residents should be considered.
- Removal of the onsite graffiti should be dealt with immediately.

Moved by Councillor Morrison, seconded by Councillor Armour: That Council amend the main motion as follows: "That Council approve Development Variance Permit DVP00115 with amendments to reduce the number of visitor parking spaces from 19 to 13 and increase the dwelling apartment use parking spaces by 6". Carried Unanimously.

Main Motion as Amended:

1. That Council approve Development Variance Permit No. DVP000115 attached as Appendix "A" to staff report DEV-22-091, with amendments to reduce the number of visitor parking spaces from 19 to 13 and increase the dwelling apartment use parking spaces by 6, to vary the CD-80 zone for a proposed mixed commercial residential development, as sited on the survey plans prepared by J.E. Anderson & Associates, stamped "Received December 23, 2021", consistent with the architectural plans provided by WA Architects, stamped "Received May 27, 2022", and the landscape plans by LADR Landscape Architects, stamped "Received August 5, 2022", for the properties located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973]

2. That Council approve Development Permit No. DP000166 attached as Appendix "B" to staff report DEV-2-091, for the proposed mixed commercial residential development, as sited on the survey plans prepared by J.E. Anderson & Associates, stamped "Received December 23, 2021", consistent with the architectural plans provided by WA Architects, stamped "Received May 27, 2022", and the landscape plans by LADR Landscape Architects, stamped "Received August 5, 2022", for the properties located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973].

3. That as the Section 219 Covenant, that the applicant has voluntarily agreed to register on the title of the properties located at 856 and 858 Esquimalt Road, [PID 002-925-966; Lot 2, Section 11, Esquimalt District, Plan 23904 and PID 026-691-418; Lot A, Section 11, Esquimalt District, Plan VIP80973] in favour of the Township of Esquimalt attached as Appendix "C" to staff report DEV-22-091 is not yet registered against the property title, in priority to all financial encumbrances with the Land Title and Survey Authority, that Council direct the Director of Development Services not to issue DVP00115 until covenant registration is complete, only issue DP000166 upon receipt of the landscaping security, and then register the permit notices on the titles of the properties. Carried Unanimously.

9) [22-499](#) Family Doctor Shortage - Municipal Strategies, Staff Report No. DEV-22-093

Mayor Desjardins introduced the report to Council and recommended that it be referred to Council's next strategic planning session. The Mayor also commented that the Mayors of the region are interested in the topic.

Council commented that it would be better suited to forward it to the next Committee of the Whole agenda for a more fulsome discussion.

Moved by Councillor Morrison, seconded by Councillor Hundleby: That Council receive Report No. DEV-22-093 for information and that the report be forwarded to the next Committee of the Whole meeting agenda and Council's next Strategic Planning session. Carried Unanimously.

9. **BYLAW READINGS NOT SUBJECT TO A PUBLIC HEARING**

1) [22-491](#) Permissive Tax Exemption Bylaw, 2022, No. 3086 - Adoption

Moved by Councillor Brame, seconded by Councillor Helliwell: That Permissive Tax Exemption Bylaw, 2022, No. 3086 be adopted. Carried Unanimously.

10. COMMUNICATIONS

For Council's Consideration

- 1) [22-511](#) Letter from Wayne Rideout, Assistant Deputy Minister/Director of Police Services, dated September 26, 2022 Re: Police Board Budget

Council comments included:

- The letter from the Director of Police Services should be referred back to the police board and clarification on this years budget be requested.
- A response letter should be prepared under the Mayor's signature.
- The crime severity index indicates that the Township of Esquimalt does not require the same service as the City of Victoria.
- There is concern that the costs will return to Council every year with further increases due to inflation.
- A review of police services is justified.
- The Director of Police Services has made a decision based on the City of Victoria's needs and not the Townships.

Moved by Councillor Brame, seconded by Councillor Morrison: That Council direct the Mayor and staff to write a response letter. Carried Unanimously.

- 2) [22-519](#) Letter from Christine Williw, Board Chair GVHA dated September 26, 2022 Re: Request for Nominees to the GVHA Board of Directors

Council comments included:

- The appointments should be delayed until after the Inaugural meeting on November 7, 2022.
- The appointment should be a member of Council.

Moved by Councillor Hundleby, seconded by Councillor Brame: That Council postpone the selection of nominees to the Greater Victoria Harbour Authority Board of Directors until the Inaugural meeting of Council on November 7, 2022. Carried Unanimously.

11. RISE AND REPORT

There was no Rise and Report.

12. PUBLIC COMMENT PERIOD

Charles Pakosh, the applicant for 435 Lampson Street, Development Variance Permit mentioned that he found Councillor Morrisons comments regarding the owner management of the property offensive.

Mayor Desjardins advised Mr. Pakosh that the appropriate steps should be to speak to Development Services staff.

13. MOTION TO GO IN CAMERA

Moved by Councillor Brame, seconded by Councillor Hundleby: That pursuant to Sections 90(1)(a) and (c) of the Community Charter, that the meeting be closed to the general public to discuss personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; and, to hold discussions regarding labour relations and other employee relations. Carried Unanimously.

14. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby: That the Regular Council meeting be adjourned at 9:21 PM. Carried Unanimously.

MAYOR BARBARA DESJARDINS
THIS 21ST DAY OF NOVEMBER, 2022

DEBRA HOPKINS, CORPORATE OFFICER
CERTIFIED CORRECT